

EXHIBIT 6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA
MUNIZ, ELIZA CAMBA, SAL CATALDO,
EMIR GOENAGA, JULIAN SANTIAGO,
HAROLD NYANJOM, KELLIE NYANJOM,
AND SUSAN LYNN HARVEY,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED,

PLAINTIFFS,

vs.

NO. 3:20-CV-04688

GOOGLE LLC,

DEFENDANT.

_____ /

VIDEOTAPED DEPOSITION OF SUSAN HARVEY

VIA REMOTE COUNSEL VIDEOCONFERENCE

THURSDAY, OCTOBER 27, 2022

VOLUME I

STENOGRAPHICALLY REPORTED BY:

MEGAN F. ALVAREZ, RPR, CSR No. 12470

JOB NO. 5516967

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GOOGLE LLC,

DEFENDANT.

_____ /

Videotaped Videoconference Deposition of
SUSAN HARVEY, Volume I, taken on behalf of Defendant,
VIA REMOTE COUNSEL. Deponent testifying from Fresno,
California, beginning at 9:04 a.m. and ending at
5:43 p.m. on Thursday, October 27, 2022, before
Megan F. Alvarez, RPR, Certified Shorthand Reporter
No. 12470.

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WITNESS

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QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

Page Line

No. No.

Q. Did you give your attorney those189 23
screenshots on July 30th?

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1 THURSDAY, OCTOBER 27, 2022

2 9:04 A.M.

3
4 --o0o--

5
6 THE VIDEO OPERATOR: Good morning. We're 09:04:14
7 on the record the time is 9:04 a.m., and the date is 09:04:14
8 October 27, 2022. 09:04:19

9 Please note that this deposition is being 09:04:22
10 conducted virtually. Quality of recording depends 09:04:22
11 on the quality of camera and Internet connection of 09:04:22
12 participants. What is seen from the witness and 09:04:22
13 heard on the screen is what will be recorded. 09:04:22

14 Audio and video recording will continue to 09:04:22
15 take place unless all parties agree to go off the 09:04:22
16 record. 09:04:22

17 This is Media Unit Number 1 of the 09:04:38
18 video-recorded deposition of Susan Lynn Harvey taken 09:04:41
19 by counsel for defendants in the matter of 09:04:43
20 Anibal Rodriguez, et al. vs. Google LLC, filed in 09:04:48
21 United States District Court, Northern District of 09:04:51
22 California, San Francisco Division, Case 09:04:54
23 Number 3:20-CV-04688, and is being conducted 09:04:56
24 remotely using virtual technology. 09:05:02

25 My name is Sean Grant from the firm 09:05:07

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1 Veritext. I'm the videographer. 09:05:09

2 And the court reporter is Megan Alvarez, 09:05:10

3 also from Veritext. 09:05:12

4 I am not related to any party in this 09:05:14

5 action, nor am I financially interested in the 09:05:15

6 outcome. 09:05:17

7 If there are any objections to proceeding, 09:05:18

8 please state them at the time of your appearance. 09:05:20

9 Counsel present, including remotely, will 09:05:22

10 now state their appearances and affiliations 09:05:24

11 beginning with the noticing attorney, Mr. Mateen. 09:05:28

12 MR. MATEEN: Good morning. Harris Mateen 09:05:32

13 from Willkie Farr & Gallagher law firm on behalf of 09:05:33

14 Google. And I'm here with my colleague, Eduardo 09:05:37

15 Santacana, also Willkie Farr & Gallagher. 09:05:41

16 THE VIDEO OPERATOR: Thank you. 09:05:44

17 Mr. Lee. 09:05:45

18 MR. LEE: Hi. James Lee, Boies Schiller, 09:05:46

19 representing the plaintiffs. I have with me Mark 09:05:47

20 Mao, also from Boies Schiller; Rosie -- Rossana 09:05:50

21 Baeza, also from Boies Schiller; and Ryan McGee from 09:05:54

22 Morgan & Morgan. 09:05:58

23 THE VIDEO OPERATOR: Thank you. 09:06:01

24 Would the certified court reporter please 09:06:01

25 swear in the witness. 09:06:01

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1 09:06:03
2 SUSAN HARVEY, 09:06:03
3 called as a witness by the Defendant, having 09:06:03
4 been first duly sworn, was examined and 09:06:03
5 testified as follows: 09:06:23
6 --o0o-- 09:06:23
7 EXAMINATION 09:06:24
8 BY MR. MATEEN: 09:06:24
9 Q. Good morning, Ms. Harvey. My name is 09:06:25
10 Harris Mateen. I'm here representing Google in this 09:06:27
11 matter. I'll be taking your deposition today. 09:06:30
12 Have you been deposed before? 09:06:35
13 A. No. 09:06:36
14 Q. No. 09:06:37
15 So, in that case, I'd like to go over some 09:06:38
16 ground rules so we're on the same page. 09:06:40
17 Does that sound fair? 09:06:42
18 A. Yes. 09:06:43
19 Q. So I will be asking the questions. My 09:06:43
20 questions and your answers will be taken down by the 09:06:50
21 court reporter, and the videographer will record the 09:06:55
22 proceedings. 09:06:58
23 You understand that you need to speak up 09:06:58
24 so the reporter can hear your answers, correct? 09:06:59
25 A. Yes. 09:07:01

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1 Q. They won't be able to record a nod or a 09:07:02
2 shake of a head or a grunt, so any answers need to 09:07:04
3 be verbal. 09:07:07
4 A. Okay. 09:07:08
5 Q. It's very important that you wait until I 09:07:13
6 finish a question before giving an answer so that we 09:07:15
7 can help our court reporter get the full statements. 09:07:18
8 A. Okay. 09:07:21
9 Q. Okay? 09:07:22
10 A. Yes. 09:07:23
11 Q. I will sometimes ask questions that I 09:07:29
12 don't state very well or for some other reason you 09:07:31
13 might not understand. If that's the case, just let 09:07:35
14 me know, and I can repeat the question or I can try 09:07:36
15 to rephrase the question another way. 09:07:39
16 Is that all right? 09:07:42
17 A. Yes. 09:07:42
18 Q. So you've just taken an oath that requires 09:07:42
19 you to tell the truth, the full truth, and nothing 09:07:44
20 but the truth. 09:07:47
21 Do you understand that? 09:07:48
22 A. Yes. 09:07:48
23 Q. And you understand that this is the same 09:07:48
24 oath that you would take if you testified in court, 09:07:50
25 correct? 09:07:54

1 Was that a "yes"? 09:08:02

2 A. Yes. 09:08:03

3 Q. Thank you. 09:08:04

4 So we're interested in finding out 09:08:05

5 everything you know about the events and facts that 09:08:07

6 underlie this lawsuit. And, for that reason, we're 09:08:09

7 looking for the full and complete answers to the 09:08:11

8 questions that I'm going to ask. In other words, 09:08:14

9 we're looking for the full, complete answers. 09:08:15

10 Is there any reason that you cannot 09:08:20

11 testify truthfully and accurately today? 09:08:22

12 A. No, I'd be truthful. 09:08:24

13 Q. At any point if you'd like to take a 09:08:27

14 break, just let me know and we'll find an 09:08:28

15 appropriate spot to do so. 09:08:31

16 I will just ask that I finish my 09:08:33

17 questioning or my line of questioning, and then 09:08:36

18 we'll be able to take a break. 09:08:38

19 You can talk to your attorney at any time. 09:08:39

20 I just ask that if there's a question pending or if 09:08:43

21 you're in the middle of the answer, you answer the 09:08:45

22 question or finish your answer before conferring 09:08:48

23 with your attorney. 09:08:50

24 Is that okay? 09:08:52

25 A. I understand. 09:08:53

1 MR. LEE: I'll just say, Harris, that we 09:08:54
2 will take breaks as needed. We will -- if a 09:08:55
3 question is pending, then obviously Ms. Harvey will 09:08:58
4 answer it. But, short of that, when breaks are 09:09:02
5 needed on our side, we intend to take them. 09:09:06
6 MR. MATEEN: Sure. 09:09:10
7 BY MR. MATEEN: 09:09:11
8 Q. So today's deposition is remote. We are 09:09:11
9 not in the same room. I see that you are in your 09:09:14
10 room with your counsel and that there's some hard 09:09:17
11 copy documents in front of you. 09:09:20
12 Do you have any open? 09:09:22
13 A. On a computer screen, no. I have these 09:09:26
14 documents in front of me. 09:09:28
15 Q. And do you have any document open in front 09:09:29
16 of you, hard copy documents open in front of you? 09:09:31
17 A. Yes. I'm looking at them, yes. 09:09:34
18 Q. And what do you have open in front of you 09:09:36
19 right now? 09:09:38
20 A. The privacy policy and the 09:09:38
21 Web & App Activity policy that is given by Google. 09:09:40
22 Q. Okay. And can I ask that you actually put 09:09:47
23 those away now? 09:09:48
24 A. No, you may not. I want to keep them in 09:09:49
25 front of me. 09:09:51

1 Q. So I think that -- so, Ms. Harvey -- 09:09:52

2 A. Sorry. 09:10:06

3 Q. We will discuss these documents later on, 09:10:08

4 but I'm going to ask that you please keep them away 09:10:10

5 from you at this moment. We're not in the same room 09:10:14

6 here, and I can't see the documents that you have 09:10:19

7 open in front of you. And this is -- the purpose of 09:10:21

8 this deposition is for me to understand what you 09:10:27

9 know and what you are aware of, not what you have in 09:10:28

10 front of you in your notes. 09:10:33

11 And so I'm going to ask that you please 09:10:36

12 close any hard copies that you have in front of you. 09:10:40

13 MR. LEE: So, Ms. Harvey, you -- you're 09:10:44

14 allowed to refer to any document you wish. We've 09:10:45

15 identified the documents for counsel. So feel free 09:10:47

16 to refer to them at any point during the deposition. 09:10:52

17 You do not need to put them away. 09:10:54

18 THE WITNESS: Okay. 09:10:56

19 MR. LEE: The only thing I ask is that 09:10:56

20 when you are reading from a document or referring to 09:10:59

21 one of the documents in front of you, just identify 09:11:01

22 them so that we have a record of what you're 09:11:04

23 referring to. 09:11:06

24 THE WITNESS: Okay. 09:11:07

25 ///

1 BY MR. MATEEN: 09:11:08

2 Q. Are you under the influence of any 09:11:09

3 medication or substance that would affect your 09:11:16

4 ability to testify? 09:11:18

5 A. No, I'm not. 09:11:19

6 Q. Okay. Thank you. 09:11:20

7 So did you prepare for this deposition? 09:11:31

8 MR. LEE: Objection. Vague. 09:11:33

9 BY MR. MATEEN: 09:11:33

10 Q. You can answer. 09:11:35

11 A. I don't understand what you mean. 09:11:37

12 Q. What do you not understand about the 09:11:43

13 question? 09:11:45

14 A. What you mean, did I prepare? 09:11:45

15 Q. Yes. It's a yes-or-no question. 09:11:49

16 Did you prepare for this deposition in any 09:11:50

17 method? 09:11:54

18 MR. LEE: So I think the concern, Harris, 09:11:57

19 is -- is privilege. This is her first deposition. 09:11:59

20 So let me just give her briefly some... 09:12:02

21 So what Mr. Mateen is asking is what you 09:12:07

22 did to get ready for today's deposition, and that 09:12:12

23 includes whether you met with your lawyers. 09:12:16

24 THE WITNESS: Okay. 09:12:18

25 MR. MATEEN: You can say that you met with 09:12:19

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1 the lawyers, but don't get into the discussions or 09:12:21
2 any of the things we looked at, things like that. 09:12:25
3 Okay? 09:12:26
4 THE WITNESS: Okay. 09:12:27
5 MR. LEE: You can just say, you know, that 09:12:28
6 we met, the number of times we talked, how long we 09:12:29
7 talked, things like that, but not the substance. 09:12:31
8 That's what Mr. Mateen is trying to get to. 09:12:32
9 THE WITNESS: Okay. 09:12:35
10 MR. LEE: Okay? 09:12:35
11 THE WITNESS: Yes, I had discussions with 09:12:36
12 my attorneys. 09:12:37
13 BY MR. MATEEN: 09:12:37
14 Q. So, Ms. Harvey, I ask -- for any question 09:12:38
15 that I ask, can you please answer to the fullest 09:12:40
16 extent possible without disclosing the contents of 09:12:45
17 any conversations that you've had with your 09:12:47
18 attorneys but, otherwise, any other truthful -- 09:12:50
19 A. Yeah. Of course, I'm going to be 09:12:54
20 truthful. 09:12:55
21 Q. Thank you. 09:12:56
22 So when did you prepare for this 09:12:59
23 deposition? 09:13:01
24 A. Yesterday, day before. 09:13:04
25 Q. And for how long did you prepare? 09:13:07

1	A.	Few hours. Like five hours, I think.	09:13:10
2	Q.	And who did you prepare with?	09:13:12
3	A.	With James, Rosie, and Ryan, my attorneys.	09:13:15
4	Q.	And are you -- where did you prepare?	09:13:18
5	A.	Here in Fresno.	09:13:22
6	Q.	Here in Fresno. Okay.	09:13:23
7		Was there anything that you reviewed	09:13:31
8		outside of your preparations with your attorneys?	09:13:34
9	A.	No, not that I can think of.	09:13:37
10	Q.	Did you do any preparation apart from your	09:13:41
11		attorneys?	09:13:43
12	A.	Nothing that -- that I didn't know when I	09:13:47
13		talked to them over things that I knew.	09:13:49
14	Q.	But did you make any specific -- strike	09:13:58
15		that.	09:14:01
16		Did you take any specific actions before	09:14:02
17		this deposition in order to prepare for this	09:14:06
18		deposition today other than meeting with your	09:14:08
19		attorney?	09:14:10
20	A.	No.	09:14:11
21	Q.	Have you discussed this deposition with	09:14:14
22		anybody?	09:14:15
23	A.	No.	09:14:17
24	Q.	You haven't talked to any friends or	09:14:20
25		family about this deposition?	09:14:23

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1 A. Just that I had to have a deposition. 09:14:25

2 Q. And have you talked with any friends or 09:14:33

3 family about this lawsuit generally? 09:14:34

4 A. Not -- not that I can think of. Just that 09:14:36

5 there's something that's going on. 09:14:39

6 Q. And who have you talked to about this 09:14:43

7 lawsuit? 09:14:45

8 A. The only person I would have said anything 09:14:46

9 to would be my father. But not about the lawsuit 09:14:48

10 itself. 09:14:57

11 Q. Have you ever gone by any other names 09:14:59

12 besides Susan Harvey? 09:15:01

13 A. Susie or Susan Malick. 09:15:03

14 Q. Where do you live? 09:15:09

15 A. In Chowchilla at the present moment. 09:15:12

■ ■ [REDACTED] [REDACTED]

■ ■ [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED]

19 Q. Are you employed? 09:15:28

20 A. No. 09:15:29

21 Q. Have you been employed before? 09:15:32

22 A. Yes. 09:15:33

23 Q. When was the last time you were employed? 09:15:34

24 A. 2012. 09:15:37

25 Q. And what did you do? 09:15:39

1	A. I was a construction administrative	09:15:40
2	assistant, and I worked for PG&E.	09:15:43
3	Q. And why did you leave that job?	09:15:53
4	A. Leave that job? Because of -- I was laid	09:15:55
5	off from PG&E.	09:16:02
6	The prior job before that was because we	09:16:03
7	ran out of work. We were building solar projects.	09:16:05
8	Q. So what were you doing before you were a	09:16:08
9	construction assistant for PG&E?	09:16:11
10	A. Oh, geez. For PG&E, it would be	09:16:13
11	Stellar Energy Group.	09:16:15
12	Q. And when was that?	09:16:16
13	A. That was prior, before that. Would have	09:16:18
14	been -- I started in 2010. We finished the two	09:16:19
15	jobs, and I left in 2011.	09:16:21
16	Q. And how have you been able to make your	09:16:31
17	income since leaving your job in 2012?	09:16:36
18	A. I was on unemployment and then lived with	09:16:39
19	my parents. I got on Social Security in 2018.	09:16:44
20	Q. Have you been involved in any other legal	09:16:54
21	matters?	09:16:56
22	A. Any other ones? Well, prior, yes.	09:16:57
23	Q. What others?	09:17:06
24	A. There was a case with Google in 2000- -- I	09:17:08
25	want to say it was '16.	09:17:11

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1 Q. Other than that case with Google, have you 09:17:17
2 been involved in any other legal matters? 09:17:19
3 A. Not that I can think of, no. 09:17:21
4 Q. Have you ever -- have you ever been part 09:17:24
5 of a settlement class? 09:17:28
6 A. Not that I know of. There -- there were 09:17:29
7 things that -- that they told me I was part of, but 09:17:31
8 I didn't realize I was when it was going on. 09:17:37
9 Q. Fair enough. 09:17:41
10 So I'd like to talk about this other 09:17:42
11 lawsuit with Google. 09:17:45
12 A. Okay. 09:17:47
13 Q. When did you file that lawsuit? 09:17:48
14 A. I want to say it was 2015, but I -- I 09:17:51
15 can't recall the exact date. 09:18:01
16 Q. And can you tell me in your own words what 09:18:03
17 that lawsuit was about? 09:18:05
18 A. That was about unauthorized charges 09:18:06
19 through the Google Play Store and Google Wallet. 09:18:08
20 Q. So what were these unauthorized charges? 09:18:17
21 A. For the Play Store. 09:18:19
22 Q. What do you mean when you say "for the 09:18:24
23 Play Store"? 09:18:26
24 A. For Google Play Store. They were 09:18:27
25 purchases for games that I did not make. 09:18:30

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1 Q. Do you know who made them? 09:18:40

2 A. No, I do not. 09:18:42

3 Q. Do you know if it was a result of -- 09:18:45

4 strike that. 09:18:52

5 What was the games for which you were 09:19:13

6 receiving unauthorized charges? 09:19:15

7 A. There was about 20 separate developers. 09:19:18

8 Q. And how much money were you charged? 09:19:21

9 A. By my count, about \$10,000. 09:19:28

10 Q. Were these charges authorized by Google? 09:19:40

11 A. I have no idea who authorized them. 09:19:43

12 Q. So you don't know if they were authorized 09:19:46

13 by the developers either? 09:19:49

14 A. I have no idea how they were authorized. 09:19:51

15 Q. So I'm going to introduce an exhibit here. 09:19:54

16 A. Okay. 09:19:57

17 MR. LEE: Oh, so the way it works -- 09:20:09

18 THE WITNESS: Yeah. That, I don't know. 09:20:11

19 MR. LEE: Yeah. 09:20:13

20 Harris, I'm just letting you know that 09:20:17

21 Ms. Harvey is not that computer savvy, and this is 09:20:19

22 not her laptop we're on. So I'm going to try and 09:20:22

23 help her with the Exhibit Share. Okay? 09:20:25

24 MR. MATEEN: All right. 09:20:28

25 MR. LEE: Minimize this. 09:20:33

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1 MR. MATEEN: Thank you for letting me 09:20:34
2 know. 09:20:35
3 (Off-the-record discussion.) 09:20:36
4 MR. LEE: So Mr. Mateen is going to upload 09:21:25
5 exhibits. 09:21:27
6 THE WITNESS: Okay. 09:21:28
7 MR. LEE: When they do, they pop up here. 09:21:28
8 THE WITNESS: Okay. 09:21:32
9 MR. LEE: So when he says he's uploading 09:21:32
10 one, you give it a pause and you hit this button. 09:21:33
11 See that? That's the refresh button. 09:21:35
12 THE WITNESS: -- refresh. Okay. 09:21:35
13 MR. LEE: And then it should pop up. 09:21:36
14 THE WITNESS: Okay. 09:21:39
15 MR. LEE: So you can open up that one. 09:21:39
16 You can use the mouse this way with your finger. 09:21:39
17 THE WITNESS: And I do that with the one 09:21:42
18 up here, correct? 09:21:43
19 MR. LEE: Yeah. I already refreshed it. 09:21:44
20 THE WITNESS: Okay. 09:21:46
21 MR. LEE: You can just click that. 09:21:47
22 BY MR. MATEEN: 09:21:49
23 Q. So I'm uploading it right now, Ms. Harvey. 09:21:49
24 Just let me know when you can see it and if you're 09:21:57
25 having any issues opening it. 09:22:01

1 MR. LEE: Just hold on for a second. 09:22:10

2 THE WITNESS: Okay. 09:22:11

3 MR. LEE: Let me open mine now. 09:22:11

4 MR. MATEEN: -- refresh. 09:22:12

5 MR. LEE: No, we have it. It's just -- 09:22:12

6 it's opening it up in a strange format, so I just 09:22:19

7 want to see if it's doing that on my side. 09:22:22

8 THE WITNESS: It's working fine for me. 09:22:22

9 MR. LEE: All right. Let's go back. I 09:22:25

10 think there's two things up for us. 09:22:26

11 So hit that refresh button like that. 09:22:29

12 THE WITNESS: I'll have to ask again. 09:22:35

13 MR. LEE: Okay. And I think it's this one 09:22:36

14 he wants -- 09:22:37

15 THE WITNESS: Okay. 09:22:37

16 MR. LEE: Exhibit 1, right, Harris? 09:22:38

17 Because we have two things up. 09:22:39

18 MR. MATEEN: Yeah, it should be Exhibit 1. 09:22:40

19 MR. LEE: Okay. 09:22:42

20 (Whereupon Exhibit 1 was marked for 09:22:56

21 identification.) 09:22:56

22 THE WITNESS: Same thing. 09:22:56

23 MR. LEE: Okay. Yeah, we're having just a 09:22:57

24 little bit of problems with the view. 09:22:59

25 (Off-the-record discussion.) 09:23:01

1 THE WITNESS: Okay. 09:23:04

2 MR. LEE: All right. We're all set. 09:23:06

3 Sorry about that. 09:23:07

4 MR. MATEEN: All right. No worries. 09:23:09

5 BY MR. MATEEN: 09:23:18

6 Q. Ms. Harvey, do you recognize this 09:23:18

7 document? 09:23:21

8 A. Let me see. Actually, no, I don't. The 09:23:23

9 attorneys never gave it to me. 09:23:26

10 Q. So, Ms. Harvey, this is the first amended 09:23:31

11 complaint in your lawsuit filed against Google on 09:23:36

12 September 30, 2015. 09:23:40

13 A. Uh-huh. 09:23:43

14 Q. You haven't seen this document before? 09:23:44

15 A. No. They -- they did a lot of things, and 09:23:45

16 they didn't give me the document until after the 09:23:47

17 fact. 09:23:49

18 Q. So you did not authorize this complaint 09:23:58

19 against Google before it was filed? 09:24:01

20 A. No. I -- I told them I wanted something 09:24:03

21 done, but I just went to them. They -- they told me 09:24:05

22 who they were filing against. 09:24:08

23 Q. So can you tell me broadly when you first 09:24:15

24 went to the attorneys in this lawsuit? 09:24:21

25 MR. LEE: And -- 09:24:26

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1 MR. MATEEN: I can rephrase my question. 09:24:28

2 MR. LEE: Go ahead. 09:24:29

3 BY MR. MATEEN: 09:24:30

4 Q. Can you tell me when you first went to 09:24:30

5 these attorneys listed here: Todd Friedman, 09:24:32

6 Suren Weerasuriya, and Adam [sic] Bacon -- 09:24:35

7 A. I -- 09:24:39

8 Q. -- in reference to this lawsuit against 09:24:39

9 Google? 09:24:41

10 A. I can't give you the exact date. It would 09:24:42

11 have been in 2015. But Adrian came in after the 09:24:44

12 fact. 09:24:48

13 MR. LEE: And let me just pause. The 09:24:48

14 privilege rules apply with your -- 09:24:49

15 THE WITNESS: For them. 09:24:51

16 MR. LEE: -- your discussions with those 09:24:52

17 lawyers as well -- 09:24:53

18 THE WITNESS: Okay. 09:24:54

19 MR. LEE: -- not just this case. 09:24:54

20 THE WITNESS: Okay. 09:24:55

21 MR. LEE: So I don't think Mr. Mateen is 09:24:55

22 trying to get into those discussions -- 09:24:59

23 THE WITNESS: Okay. 09:25:01

24 MR. LEE: -- with his questions, but I 09:25:01

25 just did -- I did want to -- 09:25:01

1 THE WITNESS: Point out their privilege 09:25:03
2 too. 09:25:04
3 MR. LEE: -- caution you about that too. 09:25:04
4 THE WITNESS: Okay. 09:25:05
5 BY MR. MATEEN: 09:25:06
6 Q. And when you went to them, did you go to 09:25:07
7 them with the intention of filing a complaint 09:25:17
8 against Google? 09:25:21
9 A. I went to them and told them I didn't 09:25:22
10 understand what had happened, and I just -- I 09:25:25
11 needed -- I need some legal help. 09:25:26
12 Q. And, presumably, that ended up with you 09:25:32
13 suing Google through this complaint, correct? 09:25:35
14 A. I -- I think I understand what you're 09:25:39
15 saying, yes. 09:25:41
16 Q. After this complaint was filed, did you 09:25:45
17 review it? 09:25:46
18 A. They sent to it to me after it was sent 09:25:47
19 out. 09:25:50
20 Q. Okay. And did you read it after it was 09:25:51
21 filed? 09:25:53
22 A. Yes. 09:25:54
23 Q. So you have seen this document before? 09:25:55
24 A. Yes, after it was filed. 09:25:58
25 Q. Okay. So just to be clear, earlier -- 09:26:02

1 earlier I asked if you recognize this document, and 09:26:07
2 you said, "No, I don't. The attorneys never gave it 09:26:22
3 to me." 09:26:26

4 When I hear that, it sounds like you 09:26:28
5 haven't seen this document before. What you've told 09:26:30
6 me now is that you actually did read it after it was 09:26:33
7 filed. 09:26:37

8 So I ask, going forward, can you please 09:26:37
9 just give the full answer -- 09:26:41

10 A. Okay. 09:26:42

11 Q. -- instead of a "yes" or "no" when that's 09:26:43
12 not the case? 09:26:44

13 A. Okay. 09:26:45

14 Q. Thank you. 09:26:46

15 So can you please go down to paragraph 09:26:49
16 number 10. It's on page 4 of the complaint. 09:26:59

17 A. Okay. 09:27:11

18 Q. And you can read it to yourself if you'd 09:27:13
19 like. Just let me know when you're done reading. 09:27:16

20 MR. LEE: If you need to read the prior 09:27:34
21 paragraphs to -- 09:27:36

22 THE WITNESS: Figure it out. 09:27:37

23 BY MR. MATEEN: 09:27:37

24 Q. If you want to review this document, by 09:27:38
25 all means just let me know. 09:27:40

1 (Witness reviewing document.) 09:27:43

2 THE WITNESS: Okay. 09:28:06

3 BY MR. MATEEN: 09:28:07

4 Q. All right. So I want to discuss the first 09:28:07

5 sentence of paragraph 10. You say that "Plaintiff 09:28:11

6 questioned Google about the issue." 09:28:15

7 Who did you reach out to about these 09:28:21

8 transactions when you questioned Google about these 09:28:22

9 unauthorized transactions? 09:28:27

10 A. Google. 09:28:29

11 Q. But do you know if there was an e-mail 09:28:29

12 address at Google? 09:28:32

13 A. I don't recall what it was. 09:28:35

14 Q. Do you know what the e-mail address was 09:28:37

15 for at Google? 09:28:40

16 A. I think one was -- because I talked to -- 09:28:41

17 there were many addresses. There was the 09:28:44

18 Play Store. There was Wallet. There was many 09:28:46

19 different addresses. They -- there was a lot of 09:28:49

20 addresses. 09:28:57

21 Q. About how many times did you reach out to 09:29:01

22 different addresses at Google? 09:29:03

23 A. Many. 09:29:05

24 Q. About how many? 09:29:05

25 A. I can't even say how many. There was a 09:29:07

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1 lot of reaching out, trying to figure out what had 09:29:09
2 happened in the first place. 09:29:12
3 Q. More than 10 times? 09:29:13
4 A. Oh, yes. 09:29:14
5 Q. More than 50 times? 09:29:16
6 A. Yes. 09:29:18
7 Q. More than a hundred times? 09:29:19
8 A. Probably. 09:29:20
9 Q. More than 250 times? 09:29:22
10 A. Probably. 09:29:25
11 Q. More than a thousand times? 09:29:26
12 A. I can't say a thousand but could be. I 09:29:28
13 was trying to figure out what had happened with my 09:29:30
14 account. 09:29:34
15 Q. And did you call Google phone numbers? 09:29:35
16 A. Yes, I did. 09:29:38
17 Q. Did you send letters to Google? 09:29:39
18 A. I -- through Chat, and I sent e-mails to 09:29:43
19 the legal department that I got bounced back. 09:29:45
20 Q. Okay. Why did you reach out to Google 09:29:51
21 about these transactions? 09:29:53
22 A. Because I had no clue where they came 09:29:54
23 from, and I didn't authorize them. 09:29:56
24 Q. And did you reach out to the app 09:29:58
25 developers about these transactions? 09:30:01

1	A. Yes, I did.	09:30:02
2	Q. And how many times did you reach out to	09:30:03
3	the app developers?	09:30:04
4	A. Until they answered the questions that I	09:30:06
5	had.	09:30:08
6	Q. Did they answer the questions you had?	09:30:11
7	A. Yes, they did.	09:30:13
8	Q. And what did the app developers say?	09:30:14
9	A. They were all invalid transaction numbers	09:30:16
10	that Google received the monies for.	09:30:19
11	Q. And did you ever get any response from	09:30:21
12	Google?	09:30:23
13	A. No -- well, I got refunds in 2014.	09:30:23
14	September, I think it was 29th, and October 3rd.	09:30:29
15	There were two sets. And then another one under	09:30:35
16	children's in-app purchases later, in '15.	09:30:37
17	MR. LEE: Slow down. Slow down.	09:30:41
18	THE WITNESS: Okay.	09:30:42
19	BY MR. MATEEN:	09:30:45
20	Q. You can repeat your answer if you'd like.	09:30:46
21	Just a little slower.	09:30:50
22	A. Okay. I received refunds in September of	09:30:52
23	2014 and October of 2014. And then again I received	09:30:55
24	purchases under a children's in-app refund check	09:31:04
25	because I -- I was notified that there were more	09:31:06

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1 refunds on my account. 09:31:08

2 Q. And how much money did Google refund you? 09:31:12

3 A. I want to say it was about \$3,900. 09:31:15

4 Q. And did Google have any discussion with 09:31:19

5 you before sending you those refunds? 09:31:24

6 A. No, not really. I got a call out of the 09:31:28

7 blue. 09:31:31

8 (Simultaneous colloquy.) 09:31:31

9 (Reporter request for clarification.) 09:31:31

10 BY MR. MATEEN: 09:31:47

11 Q. Ms. Harvey, did you have anything after 09:31:48

12 that? 09:31:50

13 A. I spoke to Naomi. That's who. 09:31:50

14 Q. To Naomi. 09:31:53

15 And do you know what division of Google 09:31:56

16 Naomi worked for? 09:31:57

17 A. I thought she told me Google Wallet, but I 09:32:00

18 really can't recall. 09:32:02

19 Q. Okay. Ms. Harvey, can you go on to the 09:32:04

20 next page? That would be paragraph number 12. 09:32:12

21 And you can read the paragraph above it 09:32:26

22 and below it if you'd like as well. 09:32:29

23 (Witness reviewing document.) 09:32:52

24 BY MR. MATEEN: 09:32:52

25 Q. Just let me know when you're ready. 09:32:53

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1	A. Hang on one second.	09:32:54
2	(Witness reviewing document.)	09:33:06
3	THE WITNESS: Okay. Go ahead.	09:33:06
4	BY MR. MATEEN:	09:33:06
5	Q. So paragraph 12 says that you investigated	09:33:08
6	the issue yourself.	09:33:12
7	Can you describe your investigation to me?	09:33:14
8	A. I looked at the transactions. I called	09:33:16
9	the merchants that were listed on the transactions,	09:33:20
10	and they stated that they weren't in their system.	09:33:23
11	Q. Did you do anything else to investigate?	09:33:29
12	A. Called Google. Called [REDACTED]	09:33:33
13	That's -- nothing else I could do. They were the	09:33:35
14	ones that had the records.	09:33:38
15	Q. If you read paragraph -- can you read	09:33:46
16	paragraph 13 and 14, please, and just let me know	09:33:48
17	when you're ready?	09:33:51
18	A. Okay.	09:33:53
19	(Witness reviewing document.)	09:33:53
20	THE WITNESS: Okay. Go ahead.	09:34:16
21	BY MR. MATEEN:	09:34:16
22	Q. So from my reading of these two	09:34:17
23	paragraphs, it looks like you reported your findings	09:34:19
24	of your investigation to Google many times, and	09:34:24
25	Google seemed to disregard these complaints.	09:34:25

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1 Is that a fair reading? 09:34:27

2 A. Yes. 09:34:29

3 Q. What was the disposition of this case? 09:34:32

4 A. Excuse me? 09:34:37

5 Q. I'm sorry. Let me reword that. 09:34:39

6 What -- what happened with this case? 09:34:44

7 A. It was dismissed for statute of 09:34:46

8 limitations. 09:34:50

9 Q. Can you explain in more detail why it was 09:34:55

10 dismissed on statute of limitations grounds? 09:34:58

11 MR. LEE: Only if you can. 09:35:01

12 THE WITNESS: Not really because I don't 09:35:02

13 understand why. I reported the day I saw it. 09:35:04

14 BY MR. MATEEN: 09:35:06

15 Q. And the court didn't make any ruling on 09:35:06

16 the merits of what you had said Google had done, 09:35:09

17 correct? 09:35:14

18 A. No. 09:35:15

19 Q. Okay. So if you look at paragraph 7, it 09:35:16

20 says that you purchased and you -- or I'm sorry. It 09:35:31

21 said you activated a new smartphone on March 20, 09:35:34

22 2013. 09:35:38

23 Do you agree with that? 09:35:39

24 A. Hang on one second. 09:35:40

25 Q. It's not -- I'm overcomplicating this. 09:36:07

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1 Did you buy a smartphone operated by 09:36:10
2 Android in 2013? 09:36:13
3 A. Well, actually, it was one that was 09:36:14
4 replaced. 09:36:16
5 Q. It was one that was replaced. So -- 09:36:16
6 MR. LEE: Hold on. Hold on. Let her 09:36:17
7 finish her answer, please. 09:36:18
8 THE WITNESS: It was a defective phone 09:36:20
9 that they replaced that was sent back to T-Mobile. 09:36:21
10 (Reporter request for clarification.) 09:36:37
11 THE WITNESS: Yeah, it was a defective 09:36:38
12 phone that was sent back to T-Mobile. 09:36:40
13 BY MR. MATEEN: 09:36:43
14 Q. When did you purchase the original phone? 09:36:43
15 A. I want to say it was about the end of 09:36:48
16 February, beginning of March. 09:36:50
17 Q. And that would be the end of February, 09:36:53
18 beginning of March of 2013? 09:36:55
19 A. Yes, sir. 09:36:57
20 Q. Do you remember what brand the phone was? 09:37:00
21 To specify, in the way that a phone could have 09:37:02
22 Google Android operating system but a different 09:37:07
23 branded hardware. 09:37:09
24 A. It was a Samsung Galaxy 3, I believe. 09:37:10
25 Might have been a 3, but I think it was a 3. 09:37:16

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1 Q. What phone did you have before the 09:37:19
2 Samsung Galaxy 3? 09:37:21
3 A. I don't recall. I didn't have a 09:37:23
4 smartphone. 09:37:27
5 Q. You didn't have a smartphone. 09:37:27
6 So this was the first smartphone that you 09:37:29
7 had? 09:37:31
8 A. Yes. 09:37:32
9 Q. And why did you choose to purchase the 09:37:35
10 Samsung Galaxy 3? 09:37:38
11 A. Because I had heard good things about the 09:37:39
12 Samsung phone. 09:37:41
13 Q. What sort of good things had you heard? 09:37:43
14 A. Just the size of the screen and -- and 09:37:45
15 different things to do with the operating system, 09:37:46
16 the Android and how it was easy to use. 09:37:48
17 Q. Any other features that stood out to you? 09:37:56
18 A. Not that I can actually say when I first 09:38:12
19 got the phone. I -- I just figured it was a good 09:38:14
20 phone because it was a Samsung and everybody was 09:38:16
21 raving about the Galaxys. 09:38:19
22 Q. And you mentioned that there were things 09:38:21
23 about the operating system that stood out to you. 09:38:22
24 What were those things? 09:38:24
25 A. About the operating system? Just the 09:38:29

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1 Android operating system. Had the little green man 09:38:31
2 on the front of the screen. 09:38:35

3 Q. So if I have this right, you got that 09:38:41
4 phone in either February or March 2013, and then you 09:38:43
5 replaced it in 2013; is that correct? 09:38:47

6 A. Yeah. So it would have been within the 09:38:50
7 first 30 days of getting the phone. 09:38:53

8 Q. And then how long did you have that phone? 09:38:54

9 A. I want to say it was used until about 09:38:56
10 August when all the money was drained from the 09:38:59
11 accounts and I couldn't afford the bill. 09:39:04

12 Q. And then what phone did you use after 09:39:10
13 August 2013? 09:39:12

14 A. I went on my mom's account, and -- and -- 09:39:14
15 so it was an AT&T Galaxy phone. And that was a 09:39:15
16 Galaxy 3. 09:39:18

17 Q. And how long did you use your mom's 09:39:24
18 Galaxy 3? 09:39:28

19 A. I can't tell you exactly. It was on and 09:39:29
20 off. If I broke a phone, I would go back to that 09:39:32
21 phone. And so like -- or if I broke the screen on 09:39:35
22 that phone, I would use a Galaxy 2 that I had had 09:39:37
23 before that was an AT&T phone. 09:39:41

24 Q. Do you have an estimate from August 2013 09:39:45
25 until some time that you used that Galaxy phone? 09:39:49

1 MR. LEE: Objection. Vague. 09:39:55

2 You can answer if you understand. 09:39:59

3 THE WITNESS: I don't, yeah. I can't tell 09:40:01

4 you exactly. I used it on and off occasionally just 09:40:03

5 depending if I broke my screen or not. 09:40:07

6 BY MR. MATEEN: 09:40:09

7 Q. And so when did you purchase a new phone 09:40:11

8 of your own after August 2013? 09:40:13

9 A. It was like -- I know I got the 5, 09:40:19

10 Galaxy 5. I believe that was in -- I want to say 09:40:21

11 '15 or '16 because I was all happy because it was a 09:40:27

12 different phone. 09:40:33

13 Q. And the Galaxy 5 runs in Android operating 09:40:39

14 system, right? 09:40:43

15 A. Yes. 09:40:43

16 Q. Why did you choose to go with an Android 09:40:44

17 phone for your new phone? 09:40:47

18 A. I know that the Apples are harder to use. 09:40:49

19 And I was already used to the Samsung device, so I 09:40:51

20 stayed with Samsung. 09:40:55

21 Q. But this is after -- strike that. 09:41:20

22 You received nearly \$10,000 in 09:41:21

23 unauthorized charges through the Play Store, right? 09:41:29

24 A. Yes. 09:41:33

25 Q. And the app developers mentioned that 09:41:35

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1	these were not charges that came from their end;	09:41:38
2	they were charges from came from the Play Phone,	09:41:40
3	right -- Play Store, right?	09:41:43
4	A. Yes.	09:41:45
5	Q. And the Play Store is only on Android	09:41:47
6	devices, right?	09:41:50
7	A. Yes.	09:41:52
8	Q. So why did you choose to stick with the	09:41:52
9	Android device if you had this experience --	09:41:55
10	A. Sorry.	09:41:58
11	MR. LEE: You guys are both talking over	09:41:59
12	each other. Just give it a beat --	09:42:00
13	THE WITNESS: Okay.	09:42:02
14	MR. LEE: -- and slow down. Let -- let	09:42:02
15	Mr. Mateen finish his question, and then you can	09:42:02
16	answer.	09:42:07
17	THE WITNESS: Okay.	09:42:07
18	BY MR. MATEEN:	09:42:08
19	Q. Let me repeat that.	09:42:08
20	MR. MATEEN: Thank you, James.	09:42:12
21	BY MR. MATEEN:	09:42:13
22	Q. Why did you choose to stick with the	09:42:18
23	Android operating system if you had experienced this	09:42:20
24	really bad issue with unauthorized transactions	09:42:25
25	through the Play Store before?	09:42:28

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1	A. Because Google made promises that the	09:42:31
2	charges were legitimate. They just came from my	09:42:33
3	account. I didn't it had anything to do with the	09:42:36
4	actual phone.	09:42:39

5	Q. And do you still use that Samsung	09:42:45
6	Galaxy 5?	09:42:51

7 | A. No, I do not. 09:42:52

8	Q. What did you have after the Samsung	09:42:52
9	Galaxy 5?	09:42:55

10	A. Two phones. That would be a Samsung	09:42:56
11	Galaxy 9, S, the one with the pen, and then I have	09:42:58
12	an S22.	09:43:01

13	Excuse me.	09:43:02
----	------------	----------

14	Q. Did you ever consider buying an iPhone?	09:43:08
----	--	----------

15	A. No. They -- I cannot. They're different	09:43:11
16	operating systems. I'm used to the Samsung. My	09:43:16
17	parents had Samsung, and it was easier for me to go	09:43:20
18	over the Samsung with my parents because they were	09:43:23
19	using it.	09:43:26

20	Q. When you bought your most recent phone,	09:43:29
21	was there anything in particular that you researched	09:43:31
22	before buying it?	09:43:33

23	A. It was like the prior phone, the Galaxy 9	09:43:36
24	with the pen, and I was trying to get a phone that	09:43:37
25	was identical to the one we had prior for my dad so	09:43:41

1 I could explain it to him. 09:43:44

2 Q. Did you research any privacy features? 09:43:51

3 A. Excuse me? 09:43:54

4 Q. I'm sorry. Did you research any privacy 09:43:55

5 features? 09:43:57

6 A. Well, I know that I went through the 09:43:59

7 settings, and I set them the way that they should be 09:44:01

8 from what the disclosure stated. 09:44:06

9 Q. What is the way they should be? 09:44:09

10 A. You had a switch to be able to turn off 09:44:12

11 google being able to take information from my 09:44:15

12 device, and I switched it off. 09:44:17

13 Q. What do you mean when you say "take 09:44:22

14 information"? 09:44:24

15 A. Take information that's to do with the 09:44:25

16 things I do on my phone: Looking at the Web, going 09:44:29

17 into apps, and things that they could do to be able 09:44:32

18 to save that information. And I thought I had 09:44:37

19 turned it off. 09:44:38

20 Q. So your 2015 lawsuit, did you ever discuss 09:44:42

21 those allegations with anyone? 09:44:48

22 A. Which -- what do you -- what do you mean? 09:44:50

23 I don't know what you -- 09:44:52

24 Q. Let me repeat -- let me rephrase the 09:44:53

25 question. 09:44:55

1 Did you talk to anybody about what 09:44:59
2 happened with your unauthorized transactions? 09:45:04
3 A. Yes, I did. 09:45:07
4 Q. Who did you talk to? 09:45:09
5 A. Basically, anybody that would listen 09:45:11
6 because I didn't understand what happened. 09:45:13
7 Q. And did you talk to the media? 09:45:17
8 A. I talked to a lot of people about prior 09:45:20
9 events. 09:45:25
10 Q. Did you talk to the media? 09:45:27
11 A. As I stated, I talked to a lot of people. 09:45:29
12 I couldn't tell you exactly which one. I talked to 09:45:31
13 47 On Your Side. I've talked to a few different 09:45:34
14 ones, but that was -- yes, actually I did, CBS. 09:45:38
15 Q. What did you say to CBS? 09:45:44
16 A. I didn't understand what had happened or 09:45:47
17 where the charges came from. 09:45:50
18 Q. I'm going to introduce a new exhibit here. 09:45:52
19 A. Okay. 09:45:55
20 MR. LEE: Yeah. So see this arrow? Hit 09:46:02
21 that. 09:46:07
22 (Off-the-record discussion.) 09:46:07
23 (Whereupon Exhibit 2 was marked for 09:46:07
24 identification.) 09:46:07
25 ///

1 BY MR. MATEEN: 09:46:21

2 Q. It should be up now. 09:47:10

3 So this is -- Ms. Harvey, do you have it 09:47:16

4 open? 09:47:19

5 A. Yes. 09:47:20

6 MR. LEE: It's still loading for me. Give 09:47:21

7 it a beat, please. 09:47:22

8 MR. MATEEN: Okay. 09:47:24

9 MR. LEE: Yeah, I got it. 09:47:25

10 BY MR. MATEEN: 09:47:25

11 Q. So, Ms. Harvey, I believe this is the CBS 09:47:28

12 News article in which you spoke with them. You can 09:47:31

13 take a look at it. Just review it to make sure that 09:47:36

14 you agree. 09:47:39

15 Just let me know when you're ready. 09:48:09

16 (Witness reviewing document.) 09:48:11

17 BY MR. MATEEN: 09:50:16

18 Q. Ms. Harvey, are you ready? 09:50:19

19 A. Yes. 09:50:20

20 Q. So can you look at the bottom of page 2, 09:50:20

21 the top of page 3? It starts with: "California's 09:50:30

22 Susan Harvey said she was a victim after she used a 09:50:34

23 debit card" and so on. 09:50:37

24 A. Yes. 09:50:56

25 Q. If you continue down, there's a paragraph 09:50:57

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1	that says: "My heart sank. I just sat there	09:50:58
2	looking at it. I physically, I was sick, because I	09:51:01
3	didn't know what they were."	09:51:04
4	A. Yes.	09:51:06
5	Q. Can you describe this physical sickness	09:51:08
6	that you mention here?	09:51:12
7	A. Yeah, because I didn't know what the	09:51:13
8	transactions were. They made me nauseous.	09:51:14
9	Q. Made you nauseous?	09:51:17
10	A. Yes. I -- I didn't even know they were on	09:51:18
11	the account. How these were found was through	09:51:21
12	dashboard or through Google's dashboard.	09:51:24
13	Q. Did you feel any other symptoms after	09:51:28
14	finding out about these transactions?	09:51:32
15	A. I don't really understand what you mean.	09:51:37
16	Symptoms like --	09:51:39
17	Q. Did you -- I'm sorry. I interrupted you.	09:51:40
18	Go ahead?	09:51:42
19	A. I don't understand what symptoms you would	09:51:43
20	mean. I was physically sick over it. There were a	09:51:46
21	lot of transactions, and I couldn't figure out where	09:51:48
22	they came from.	09:51:51
23	Q. You described being nauseous?	09:51:54
24	A. Excuse me?	09:51:57
25	Q. You described being nauseous just now?	09:51:58

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1 A. Yes, physically sick. I was sick. 09:52:01

2 Q. Was there anything else that you felt -- 09:52:05

3 A. No. 09:52:08

4 Q. -- other than physical sickness? 09:52:08

5 A. No, because I had no idea where these 09:52:11

6 things came from. 09:52:13

7 Q. Have you discussed Google with any other 09:52:16

8 outlets? 09:52:18

9 A. Not that I can recall. 09:52:20

10 Q. Have you publicly written about your 09:52:24

11 experience surrounding this 2015 lawsuit? 09:52:26

12 A. Yes, I have. 09:52:28

13 Q. Where? 09:52:31

14 A. Excuse me? 09:52:34

15 Q. Where have you written about your 09:52:35

16 experience? 09:52:36

17 A. I can't tell you. I just know that I 09:52:37

18 have. 09:52:39

19 Q. And what have you written? 09:52:40

20 A. About the things that have happened, that 09:52:44

21 I had no idea where the transactions came from, but, 09:52:45

22 basically, that was all handled. 09:52:49

23 Q. Have you written anything else about 09:52:54

24 Google? 09:52:56

25 A. Not that I can recall. 09:52:57

1 Q. Have you made any public statements about 09:53:01
2 Google? 09:53:02
3 A. I -- I -- 09:53:05
4 MR. LEE: Objection. Vague. 09:53:06
5 BY MR. MATEEN: 09:53:06
6 Q. You can answer. 09:53:10
7 MR. LEE: If you understand. 09:53:11
8 THE WITNESS: Well, this article right 09:53:13
9 here was actually a television interview. I never 09:53:15
10 saw this copy of it until today. 09:53:18
11 BY MR. MATEEN: 09:53:21
12 Q. I'm going to introduce a new exhibit. 09:53:37
13 MR. LEE: He's going to introduce a new 09:53:42
14 exhibit. 09:53:43
15 THE WITNESS: Okay. 09:53:44
16 (Whereupon Exhibit 3 was marked for 09:53:48
17 identification.) 09:53:48
18 BY MR. MATEEN: 09:54:31
19 Q. I've introduced a new exhibit and marked 09:54:32
20 it as Exhibit 3. 09:54:34
21 You can take a look to -- take a second to 09:54:43
22 review over it. 09:54:46
23 (Witness reviewing document.) 09:55:10
24 BY MR. MATEEN: 09:56:57
25 Q. Let me know when you're ready, Ms. Harvey. 09:56:58

1	A.	I'm still going through it.	09:57:01
2	MR. LEE:	Take your time.	09:57:03
3	THE WITNESS:	Okay.	09:57:04
4	MR. LEE:	For the record, Harris, the last	09:58:01
5		two pages aren't loading for me. So I'm going to	09:58:03
6		refresh, but I'll need a second.	09:58:07
7	MR. MATEEN:	Pages 18 and --	09:58:13
8	MR. LEE:	18 and 19 aren't loading for me.	09:58:16
9		I just --	09:58:19
10	MR. MATEEN:	I don't actually think there	09:58:19
11		is a page 19. I'm not sure why it's showing up at	09:58:21
12		page 19.	09:58:25
13	MR. LEE:	Oh. Well, it's a -- there's a	09:58:26
14		black blank.	09:58:28
15	MR. MATEEN:	Where it says "Subscribe	09:58:30
16		now"?	09:58:32
17	MR. LEE:	Hold on. I just closed out.	09:58:33
18		Let me go back.	09:58:35
19		Yes.	09:58:36
20	MR. MATEEN:	The top of the document	09:58:37
21		should say "Subscribe now."	09:58:39
22	MR. LEE:	I got it. I got it. Thank you.	09:58:41
23	THE WITNESS:	Okay. Go ahead.	09:59:18
24	BY MR. MATEEN:		09:59:18
25	Q.	So do you recognize this article?	09:59:19

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1 A. Yes, I do. 09:59:22

2 Q. What would you say it's about? 09:59:23

3 A. It's about companies not disclosing that 09:59:25

4 they've had data breaches. 09:59:29

5 Q. Can you please go to page 15? 09:59:36

6 A. Where am I at? 09:59:50

7 Does it show me the page number? Do you 09:59:59

8 know where -- there it is. It's that thing there. 10:00:03

9 Okay. 10:00:06

10 Q. Are you Susie Reallyitis? 10:00:07

11 A. Yes. 10:00:11

12 Q. Did you make this comment? 10:00:11

13 A. Yes, I did. 10:00:13

14 Q. What did you mean when you wrote "to leave 10:00:18

15 someone in the dark for four years"? 10:00:20

16 A. Well, something had happened with my 10:00:23

17 account, and I was left in the dark about it. 10:00:25

18 Q. What were the four years? 10:00:32

19 A. The four years. Well, if this was posted, 10:00:34

20 it says -- I don't know exactly when it was posted, 10:00:36

21 so I can't tell you. 10:00:40

22 Q. I can just tell you for the record that 10:00:43

23 this is from July 2017. 10:00:46

24 A. Okay. 10:00:48

25 Q. And when you say, "All while they blame 10:00:56

1 someone else," what do you mean? 10:01:00

2 A. Well, I was referred back to the bank, and 10:01:02

3 the bank referred me back to Google. So blaming 10:01:05

4 someone else. 10:01:10

5 Q. And so is this comment referring to 10:01:13

6 Google, or is this comment referring to the bank? 10:01:15

7 A. This comment is referring to anyone that 10:01:18

8 it happens to that would do this to someone else. 10:01:20

9 It's not specifically calling anybody out. 10:01:25

10 Q. You write: "All while they blame 10:01:29

11 someone." 10:01:32

12 Who's "they"? 10:01:32

13 A. As I stated -- 10:01:34

14 MR. LEE: Hold on. 10:01:34

15 THE WITNESS: Okay. 10:01:34

16 MR. LEE: Let me just object. 10:01:34

17 Asked and answered. 10:01:36

18 Go ahead. 10:01:37

19 THE WITNESS: Okay. The companies that 10:01:39

20 have the problems that don't let somebody know what 10:01:39

21 really happened. 10:01:42

22 BY MR. MATEEN: 10:01:43

23 Q. Can you name some of those companies? 10:01:44

24 A. I think I already have. 10:01:46

25 Q. Can you name some of those companies? 10:01:52

1	A. As I stated before, Google, [REDACTED]	10:01:55
2	[REDACTED], any of the developers, anything. Because I	10:01:57
3	was left in the dark.	10:02:01
4	Q. And you said earlier that this article is	10:02:05
5	about data breaches, right?	10:02:08
6	A. No, I didn't say regardless what it was	10:02:10
7	about. You were asking me about a comment.	10:02:14
8	Q. You said, "This article is about how	10:02:27
9	companies don't disclose that they've had data	10:02:29
10	breaches," right?	10:02:33
11	A. Okay. Yes.	10:02:34
12	Q. Were you the victim of a data breach?	10:02:45
13	A. I do not know. Nobody informed me.	10:02:47
14	Q. Do you think you were the victim of a data	10:02:52
15	breach?	10:02:55
16	A. I don't know what happened, as I stated	10:02:56
17	before.	10:02:57
18	MR. LEE: Hey, Harris. I know we're going	10:03:01
19	to take a break now. It's been an hour. And I'm	10:03:02
20	going to try to take a break every hour because	10:03:05
21	Ms. Harvey is under the weather and her voice tires	10:03:09
22	out. So let's take a break now and --	10:03:11
23	MR. MATEEN: Do you want to be back at	10:03:15
24	10:10?	10:03:17
25	MR. LEE: Do 10:15, please.	10:03:23

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1 MR. MATEEN: Yeah, that's fine. 10:03:24

2 MR. LEE: Just because where we are, the 10:03:25

3 bathroom isn't readily accessible. 10:03:27

4 THE VIDEO OPERATOR: Going off the record. 10:03:30

5 The time is 10:03 a.m. 10:03:31

6 (Off the record at 10:03 a.m. and back 10:03:34

7 on the record at 10:15 a.m.) 10:03:34

8 THE VIDEO OPERATOR: Back on the record. 10:15:20

9 The time is 10:15 a.m. 10:15:21

10 BY MR. MATEEN: 10:15:23

11 Q. All right, Ms. Harvey. I am introducing a 10:15:27

12 new exhibit. 10:15:30

13 (Whereupon Exhibit 4 was marked for 12:06:25

14 identification.) 12:06:25

15 MR. LEE: I don't have it yet either. 10:15:57

16 MR. MATEEN: I'll let you know when it's 10:16:00

17 up. 10:16:01

18 MR. LEE: Okay. That's helpful. 10:16:01

19 BY MR. MATEEN: 10:16:20

20 Q. I've just introduced a new exhibit, marked 10:16:21

21 it as Exhibit 4. Let me know when you've got it 10:16:23

22 open. 10:16:26

23 A. Okay. It's open. 10:16:37

24 Q. You can take a look at it if you'd like. 10:16:43

25 Let me know when you're ready. 10:16:50

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1 (Witness reviewing document.) 10:17:36

2 BY MR. MATEEN: 10:18:49

3 Q. Ms. Harvey, did you say you're ready? 10:18:51

4 A. Yes. 10:18:52

5 MR. LEE: She was just gone confirming 10:18:53

6 with me. Sorry. She -- 10:18:55

7 MR. MATEEN: Sorry. Sorry. 10:18:56

8 MR. LEE: Yeah. She -- and you have a 10:18:57

9 right to know. She was just asking if we're 10:18:58

10 supposed to read to the end of the article or not. 10:19:02

11 THE WITNESS: Go ahead. 10:19:05

12 BY MR. MATEEN: 10:19:06

13 Q. So you're ready, right? 10:19:06

14 A. Yes. 10:19:07

15 Q. Cool. 10:19:08

16 This is an article from 9to5google.com 10:19:11

17 from March 27, 2018. It's titled "Pressure on 10:19:14

18 Facebook ramps up as Senate Judiciary Committee 10:19:18

19 demands answers." 10:19:22

20 Do you recognize this article? 10:19:24

21 A. Yes, I do. 10:19:25

22 Q. What is 9to5google.com? 10:19:25

23 A. I'm not quite sure. It's just an article 10:19:28

24 I came across searching the Web. 10:19:30

25 Q. What would you have been searching for? 10:19:35

1	A.	Something to do with children's in-app	10:19:37
2		purchases or purchases being made without	10:19:40
3		authorization.	10:19:44
4	Q.	And why were you searching for them?	10:19:46
5	A.	Because I had a lot of purchases on my	10:19:49
6		account.	10:19:51
7	Q.	This article is from 2018, right?	10:19:53
8	A.	Excuse me?	10:19:56
9	Q.	This article is from 2018, right?	10:19:57
10	A.	I'm not sure exactly when it was from, but	10:19:59
11		okay.	10:20:02
12	Q.	I can show you the first page. It says	10:20:03
13		"March 27, 2018," on the first page.	10:20:05
14	A.	Okay. That's fine.	10:20:09
15		It states here "five years ago," though.	10:20:16
16		Is that a full five years ago?	10:20:18
17	Q.	It states where "five years ago"?	10:20:24
18	A.	Where my comment's listed. Right	10:20:26
19		underneath my name.	10:20:41
20	Q.	I can't speak to the way the comment	10:20:47
21		system allocates time. But, you know, March 27,	10:20:51
22		2018, is the date of this article.	10:20:55
23	MR. LEE:	Is that your representation?	10:20:58
24	MR. MATEEN:	Yes. It is also the	10:21:02
25		representation on the first page of this article.	10:21:05

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1 And I can also follow up with a link. 10:21:07

2 MR. LEE: Sure. Just -- it's just that 10:21:10

3 there's -- if you're relying on the statement in the 10:21:11

4 article, the article also says her comment is five 10:21:13

5 years ago. So I think the article has 10:21:16

6 time-traveled. 10:21:18

7 MR. MATEEN: Thank you, Mr. Lee. 10:21:21

8 BY MR. MATEEN: 10:21:22

9 Q. So this article is either from March 27, 10:21:24

10 2018, or it's from five years ago, whichever one. 10:21:27

11 Does not matter for this purpose. 10:21:31

12 Can you generally tell me what this 10:21:34

13 article is about? 10:21:37

14 A. Facebook using information that they have. 10:21:40

15 Q. What do you mean when you say, "Facebook 10:21:49

16 using information that they have"? 10:21:50

17 A. What the article states, that they were 10:21:52

18 misusing information that they -- that they had 10:21:55

19 obtained. 10:21:58

20 Q. And how were they misusing it? 10:22:00

21 MR. LEE: Go to the article. 10:22:04

22 THE WITNESS: It says from a firm of 10:22:30

23 political consultants, both the U.S. and U.K. 10:22:31

24 governments are demanding information. 10:22:36

25 ///

1 BY MR. MATEEN: 10:22:37

2 Q. So you mentioned your comment here 10:22:41

3 earlier. That's at the bottom of page 7, top of 10:22:43

4 page 8. It's a comment from Susie Reallyitis. 10:22:48

5 This is yours, right? 10:22:54

6 A. Really it is, yes. 10:22:55

7 Q. It is. 10:23:00

8 When you say, "Ask how many children 10:23:04

9 actually made those in-app purchases?" what did you 10:23:06

10 mean? 10:23:09

11 A. Well, I was told by Facebook that Google 10:23:10

12 made all the charges on my account, but it was a 10:23:12

13 Facebook app through the Play Store. They told me 10:23:15

14 it was a child that made them. 10:23:18

15 Q. Who was "they"? 10:23:26

16 A. Google and Facebook. 10:23:28

17 Q. Why did you contact Facebook? 10:23:33

18 A. Because I had a list of charges that were 10:23:35

19 also through Facebook that Facebook stated Google 10:23:38

20 billed for. 10:23:42

21 Q. When you say, "Do no evil," what do you 10:23:46

22 mean? 10:23:49

23 A. Do no evil. 10:23:50

24 Q. Was there a reason why you used the 10:23:52

25 phrase, "Do no evil"? 10:23:55

1 A. Basically, do no evil. I've been -- it's 10:23:57
2 been said to me through -- from Google. I had -- 10:23:59
3 Q. And app -- 10:24:02
4 A. I'm sorry. 10:24:03
5 Q. Go ahead. Finish your answer. 10:24:03
6 MR. LEE: You can finish. 10:24:04
7 THE WITNESS: I had read articles that 10:24:06
8 stated that was their slogan. 10:24:09
9 BY MR. MATEEN: 10:24:11
10 Q. And right after that, you wrote: "No, 10:24:14
11 that's not right." 10:24:16
12 Can you explain what that meant? 10:24:18
13 A. It's not do no evil because I had a lot of 10:24:20
14 information deleted out of my account. Then it was 10:24:23
15 denied and it was repeated. 10:24:27
16 Q. When was it repeated? 10:24:33
17 A. Repeatedly from Google. 10:24:35
18 Q. When? 10:24:37
19 A. I can't tell you exactly when. But every 10:24:38
20 representative I talked to, the lies were repeated. 10:24:41
21 Q. What do you mean when you say "Delete"? 10:24:53
22 A. Honestly, that all the charges were in 10:24:57
23 Google Wallet were deleted out of the account. 10:24:59
24 Q. Were there unauthorized charges after you 10:25:14
25 filed your lawsuit? 10:25:17

1	A.	No, not that I can recall. Nothing like	10:25:18
2		this.	10:25:22
3	Q.	And what do you mean when you say, "That's	10:25:26
4		better"?	10:25:28
5	A.	The -- the comment that I made was a	10:25:28
6		better comment. "Don't be evil" wasn't a good one.	10:25:33
7		It's, "Lie, delete, deny, repeat." That fit better.	10:25:36
8	Q.	I'm going to introduce an exhibit. I'll	10:25:55
9		let you know when it's up.	10:25:58
10		(Whereupon Exhibit 5 was marked for	12:06:25
11		identification.)	12:06:25
12	BY MR. MATEEN:		10:26:51
13	Q.	I've introduced a new exhibit. It's	10:26:51
14		marked as Exhibit 5.	10:26:53
15		(Witness reviewing document.)	10:28:15
16	THE WITNESS:	Go ahead.	10:30:21
17	BY MR. MATEEN:		10:30:21
18	Q.	So this is an article from phonearena.com	10:30:27
19		titled "House panel demands documents from Apple,	10:30:32
20		Google, and others in antitrust probe." It's dated	10:30:36
21		September 13, 2019. This is on the first page.	10:30:39
22		Do you recognize this article?	10:30:44
23	A.	Yes, I do.	10:30:46
24	Q.	What is phonearena.com?	10:30:49
25	A.	I have no idea.	10:30:51

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1 Q. Where would you have come across this 10:30:53
2 article? 10:30:54
3 A. On the Internet. 10:31:03
4 Q. How would you have come across this 10:31:04
5 article? 10:31:06
6 A. Searching for things to do with the 10:31:08
7 company. 10:31:09
8 Q. And why were you searching for things to 10:31:11
9 do with the company in 2019? 10:31:13
10 A. 2019? Because I was curious. It was 10:31:15
11 something I was interested in. 10:31:18
12 Q. And what specifically were you interested 10:31:20
13 in? 10:31:23
14 A. To see if there were issues going on. It 10:31:24
15 was the news. 10:31:26
16 Q. What sort of issues? 10:31:29
17 A. Any issues. 10:31:30
18 Q. Did you search for any other companies? 10:31:36
19 A. I search for a lot of companies. I search 10:31:38
20 for [REDACTED]. I search for Facebook. I 10:31:40
21 search for all of them. All the app developers, 10:31:42
22 everything. 10:31:46
23 Q. So you search for [REDACTED], you 10:31:47
24 search for Facebook, you search for Google. 10:31:48
25 Can you name another company? 10:31:50

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1 MR. LEE: Objection to form. Vague. 10:31:53

2 BY MR. MATEEN: 10:31:54

3 Q. You can answer. 10:31:56

4 A. The app developers, the ones that I was 10:31:57

5 hit by. 10:32:00

6 Q. Which app developers do you search for? 10:32:01

7 A. All the ones that made charges to my 10:32:05

8 account. 10:32:07

9 Q. What are the names of those app 10:32:08

10 developers? 10:32:10

11 A. There's quite a few. 10:32:11

12 Q. Can you name one? 10:32:12

13 A. There was midas.com. There was Jot Pop 10:32:15

14 Party. There was many different ones. I was hit by 10:32:19

15 20 separate developers. 10:32:24

16 Q. How often do you search for these 10:32:28

17 companies? 10:32:29

18 A. I look quite often. I still look to see 10:32:30

19 if anything's going to come out about it just 10:32:33

20 because I'm curious. 10:32:36

21 Q. About what? 10:32:37

22 A. Excuse me. To see if there's any articles 10:32:39

23 about it. I want to keep up on the news. 10:32:42

24 Q. I'm sorry. I'm just not understanding. 10:32:47

25 When you're saying "it," what are you 10:32:48

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1 referring to? 10:32:50

2 A. I'm trying to keep up on the news to do 10:32:51

3 with anything to do with tech. It's not one 10:32:53

4 specifically. 10:32:58

5 Q. And so do you search for these companies 10:33:01

6 on a daily basis? 10:33:03

7 A. I probably have. I can't recall exactly. 10:33:05

8 I'm not doing it right now, no. 10:33:08

9 Q. So can you tell me what this article here 10:33:21

10 is about? 10:33:23

11 A. The government demanding information. 10:33:24

12 Q. Information about what? 10:33:29

13 A. Regarding basically anything to do with 10:33:30

14 the business practices. 10:33:32

15 Q. What business practices? 10:33:37

16 A. Any. 10:33:39

17 Q. Can you give an example of a business 10:33:44

18 practice? 10:33:46

19 A. No, I can't. 10:33:46

20 MR. LEE: You know what, Mr. Mateen? I 10:33:47

21 let this go for a while, but it's getting really 10:33:50

22 argumentative. You're just asking her to summarize 10:33:53

23 articles that we all have. They say what they say. 10:33:55

24 At this point, I don't understand what 10:34:00

25 this line of questioning is about. And I don't 10:34:02

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1 think it's fair to ask her to summarize things when 10:34:05
2 we have the exhibit in front of us. They speak for 10:34:08
3 themselves. 10:34:10
4 MR. MATEEN: Thank you, Mr. Lee. 10:34:11
5 BY MR. MATEEN: 10:34:14
6 Q. Ms. Harvey, you can answer. 10:34:14
7 A. I think I have answered. 10:34:15
8 Q. So can you please go to page 10 for me? 10:34:38
9 MR. LEE: You need help? 10:34:49
10 THE WITNESS: Yeah. Just to make sure so 10:34:50
11 I'm going to the right -- I'm there. 10:34:51
12 BY MR. MATEEN: 10:35:16
13 Q. Are you [REDACTED]? 10:35:17
14 A. Yes, I am. 10:35:21
15 Q. Did you write this comment? 10:35:22
16 A. Yes, I did. 10:35:23
17 Q. So what is the nightmare of epic 10:35:24
18 proportions you talk about here? 10:35:30
19 A. Sending me back and forth to different 10:35:32
20 companies and not giving me the information in the 10:35:34
21 first place. 10:35:37
22 Q. What do you mean when you say: "I pray to 10:35:50
23 God they get to answer for what they have done." 10:35:53
24 A. What they've done to everyone. 10:35:56
25 Q. Who do you refer to when you say 10:36:03

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1 "everyone"? 10:36:05

2 A. Everyone. Anybody that's in the same 10:36:07

3 situation that I am. 10:36:09

4 Q. What specifically did they do to everyone? 10:36:12

5 A. Well, there's lots of things. Information 10:36:16

6 was given out that wasn't meant to be given out or 10:36:18

7 request to be given out, and that's what I'm talking 10:36:23

8 about. 10:36:27

9 Q. Can you give an example of information 10:36:30

10 being given out? 10:36:32

11 A. All kinds of different things. Anything 10:36:34

12 to do with the actual account. 10:36:35

13 Q. Did you literally pray about Google? 10:36:52

14 A. No. 10:36:57

15 Q. When you say, "They get to answer for what 10:37:03

16 they have done," what sort of answer do you mean? 10:37:05

17 A. They get to tell the truth and explain 10:37:09

18 what they're doing. 10:37:15

19 Q. And, again, to be clear, the truth about 10:37:24

20 what? 10:37:26

21 A. The truth about what they were doing with 10:37:27

22 people's information and the accounts. 10:37:29

23 Q. And can you tell me in your own words what 10:37:39

24 you believe Google was doing with that information? 10:37:42

25 MR. LEE: Objection to form. Asked and 10:37:47

1 answered. 10:37:48

2 BY MR. MATEEN: 10:37:49

3 Q. You can answer. 10:37:51

4 A. Ask it again, please. 10:37:58

5 Q. Yes, of course. 10:38:00

6 So you said earlier that there's lots of 10:38:10

7 information that was being given out that wasn't 10:38:14

8 meant to be given out. 10:38:17

9 Can you tell me what you believe Google 10:38:20

10 was giving out? Like what information do you 10:38:26

11 believe that Google was giving out? 10:38:28

12 A. Yes. The things I was doing on my devices 10:38:32

13 and my information that were on those devices. 10:38:35

14 MR. LEE: He's not talking about the -- 10:38:38

15 THE WITNESS: The suit now? 10:38:40

16 MR. LEE: -- this lawsuit. 10:38:40

17 THE WITNESS: Okay. 10:38:42

18 BY MR. MATEEN: 10:38:42

19 Q. Yeah, I'm talking -- I'm talking about 10:38:43

20 this specific comment. 10:38:43

21 MR. MATEEN: Thank you, Mr. Lee. 10:38:45

22 MR. LEE: So, in this article, he's asking 10:38:46

23 about the article and -- 10:38:48

24 THE WITNESS: I was talking about things 10:38:51

25 that were being brought to light regarding accounts 10:38:52

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1 that people weren't aware of. 10:38:56

2 BY MR. MATEEN: 10:38:59

3 Q. Is this article about accounts? 10:39:01

4 A. It's about anything to do with Google's 10:39:03

5 business and Facebook's business practices. 10:39:07

6 Q. You said: "There are many of us out 10:39:30

7 here." 10:39:33

8 Have you talked to any other people who 10:39:35

9 you would include within that category of "many of 10:39:37

10 us"? 10:39:40

11 A. I've read a lot of articles. I can't give 10:39:41

12 you a specific person. 10:39:44

13 Q. Have you talked to any person? 10:39:49

14 A. No, not that I can think of or recall. 10:39:51

15 Q. When you say, "Google and Facebook thought 10:40:01

16 we would go away," what did you mean? 10:40:03

17 A. Google referred me to Facebook for the 10:40:07

18 charges, and Facebook referred me to Google, just 10:40:10

19 like [REDACTED] did. And they wouldn't answer 10:40:13

20 any questions. 10:40:16

21 Q. So is this comment specifically about the 10:40:16

22 unauthorized charges? 10:40:20

23 A. Somewhat, but it's -- it's what I was 10:40:22

24 worried about at the time. But this has been 10:40:25

25 resolved. 10:40:27

1 Q. Is this comment also about information 10:40:33
2 that Google is sharing? 10:40:38
3 MR. LEE: Objection. Form. 10:40:42
4 Mischaracterizes her testimony. 10:40:42
5 BY MR. MATEEN: 10:40:45
6 Q. You can answer. 10:40:48
7 THE WITNESS: I can? 10:40:52
8 MR. LEE: If you don't understand it. 10:40:55
9 THE WITNESS: I don't understand. 10:40:56
10 BY MR. MATEEN: 10:40:57
11 Q. Okay. I can reword. No worries. 10:40:58
12 I can actually move on to another comment. 10:41:30
13 You wrote: "I pray they have nightmares 10:41:36
14 getting those document requests." 10:41:38
15 Why did you write that? 10:41:42
16 A. Because I had nightmares trying to get 10:41:44
17 information out of them. 10:41:46
18 Q. And did you wish that Google and Facebook 10:42:01
19 would have nightmares regardless of the reasons for 10:42:03
20 their document requests? 10:42:07
21 A. I don't really quite understand. 10:42:09
22 Nightmares -- it was a comment that was made, what? 10:42:11
23 This is three years ago -- about something somebody 10:42:14
24 else posted and about them being investigated. I 10:42:18
25 was happy they were going to be investigated. They 10:42:21

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1 made me provide documentation. They were going to 10:42:24
2 have to provide documentation. 10:42:27

3 Q. Did you want Google to experience the 10:42:34
4 suffering you experienced from the unauthorized 10:42:36
5 transactions and the back-and-forth that you had? 10:42:40

6 A. No, not at all. 10:42:41

7 Q. Then why did you pray they had nightmares? 10:42:48

8 A. Because I had nightmares trying to go 10:42:50
9 through and audit the account and match it to the 10:42:53
10 bank records. That's the only reason why. I was 10:42:56
11 never given a list that was the same. 10:42:59

12 Q. So because you had nightmares about those 10:43:06
13 unauthorized transactions and the experience you had 10:43:11
14 between Google and Facebook, you prayed that Google 10:43:14
15 and Facebook would have nightmares; is that correct? 10:43:19

16 MR. LEE: Objection to form. 10:43:23
17 Mischaracterizes her testimony. 10:43:24

18 BY MR. MATEEN: 10:43:26

19 Q. You can answer. 10:43:27

20 A. No, I didn't pray that they actually had 10:43:29
21 nightmares regarding these charges. I meant getting 10:43:31
22 the documents and having to search for them like I 10:43:34
23 did. 10:43:37

24 Q. You received a refund, didn't you? 10:43:41

25 A. Yes. That's why it's in the past. 10:43:44

1 Q. So if you received your money back, why 10:43:49
2 are you still commenting on it? 10:43:52
3 A. I didn't receive all of the money back at 10:43:58
4 the time. 10:44:00
5 Q. To date, have you received all your money 10:44:03
6 back? 10:44:05
7 A. It's still a little short, but it's been 10:44:06
8 resolved. I'm working with [REDACTED] over 10:44:09
9 that. 10:44:11
10 Q. And when was it resolved? 10:44:11
11 A. Recently. I was given most all of the 10:44:14
12 money back. 10:44:17
13 Q. In the year 2022 recently? 10:44:19
14 A. About a month ago. 10:44:22
15 Q. About a month ago. 10:44:23
16 What are your feelings towards Google? 10:44:37
17 A. I think it is a company that helps a lot 10:44:39
18 of people, but they don't honor their promises. 10:44:41
19 Q. How long have you felt that way? 10:44:47
20 A. Well, since I hit no on the button and the 10:44:51
21 button didn't work. 10:44:55
22 Q. When did you hit no on the button? 10:45:01
23 A. When it first came out. 10:45:04
24 Q. When do you remember that to be? 10:45:07
25 A. I want to say it was -- I can't give you 10:45:09

1 an exact date, but I -- I remember when it was done. 10:45:12

2 It was when it first came out. 10:45:15

3 Q. Can you give a general idea of when that 10:45:23

4 was? 10:45:25

5 A. I want to say '15 or '16. I can't tell 10:45:27

6 you exactly. But I know when I saw it, it made me 10:45:29

7 feel better because I didn't think my information 10:45:32

8 would be given out or collected. That's what it 10:45:34

9 said. It said I was in control. 10:45:36

10 Q. Your unauthorized transactions with 10:45:48

11 Google, those occurred in 2013, right? 10:45:50

12 A. Yes, sir. 10:45:54

13 Q. Did you feel that Google didn't honor 10:46:10

14 their promises in 2013? 10:46:12

15 MR. LEE: Objection. 10:46:15

16 Hold on. 10:46:16

17 THE WITNESS: Sorry. 10:46:17

18 MR. LEE: Objection to form. 10:46:18

19 Vague as to the timing of your question. 10:46:22

20 MR. MATEEN: I can reword. 10:46:27

21 MR. LEE: Yeah. Thanks. 10:46:28

22 BY MR. MATEEN: 10:46:29

23 Q. You testified that you believe that Google 10:46:32

24 is a company that helps a lot of people, but they 10:46:38

25 don't honor their promises. 10:46:40

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1 I'm trying to figure out when you first 10:46:42
2 got this feeling towards Google. I know that you 10:46:47
3 had these unauthorized transactions in 2013, so I'm 10:46:52
4 trying to figure out if you had these feelings that 10:46:56
5 Google, the company that helps a lot of people but 10:47:02
6 doesn't honor their promises, in 2013, after these 10:47:04
7 unauthorized transactions occurred. 10:47:09
8 A. No, because they would never explain what 10:47:10
9 happened. 10:47:11
10 Q. Did you feel that Google was a company 10:47:18
11 that helped a lot of people but didn't honor their 10:47:20
12 promises after you sued them in 2015? 10:47:23
13 A. I had a similar problem with it because I 10:47:26
14 wasn't sure what was going on. 10:47:29
15 Q. So what was your feeling towards Google in 10:47:37
16 2015? 10:47:40
17 A. I was not happy. I didn't understand what 10:47:42
18 had happened. They kept referring me back to the 10:47:44
19 bank. 10:47:48
20 Q. Do you believe Google is truthful? 10:47:51
21 A. Not necessarily, no. 10:47:54
22 Q. Can you tell me some lies that Google has 10:47:59
23 told you? 10:48:02
24 A. Yes. That they were legitimate purchases 10:48:04
25 that I made. That I could protect and control my 10:48:07

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1 data. That's not true. 10:48:11

2 MR. LEE: For the record, she's indicating 10:48:16

3 towards the -- the law disclosures. 10:48:17

4 BY MR. MATEEN: 10:48:24

5 Q. Do you believe Google is trustworthy? 10:48:25

6 MR. LEE: Asked and answered. 10:48:28

7 BY MR. MATEEN: 10:48:28

8 Q. You can answer. 10:48:34

9 A. I thought that if they were going to offer 10:48:34

10 me an option to control my information, that it 10:48:37

11 would be truthful, yes. But it wasn't. 10:48:40

12 Q. Sitting here today, do you trust Google? 10:48:50

13 A. Well, as I'm looking at the privacy 10:48:54

14 policy, I should, but, no, I do not. 10:48:57

15 Q. After your experience with the 10:49:12

16 unauthorized transactions in 2013, did you still 10:49:13

17 trust Google? 10:49:19

18 A. I didn't know what happened. I had no 10:49:21

19 idea who I was supposed to trust. 10:49:23

20 Q. But did you trust Google? 10:49:29

21 MR. LEE: Asked and answered. 10:49:30

22 Answer again if you can. 10:49:36

23 THE WITNESS: I -- I didn't know who to 10:49:37

24 trust. Everybody's information was conflicting. 10:49:38

25 ///

1 BY MR. MATEEN: 10:49:44

2 Q. So does that mean you didn't trust Google 10:49:51

3 or you did trust Google? 10:49:53

4 A. I didn't know who to trust -- 10:49:55

5 (Reporter request for clarification.) 10:50:05

6 THE WITNESS: I didn't know who to trust. 10:50:06

7 And I said, "I've answered that." 10:50:07

8 BY MR. MATEEN: 10:50:08

9 Q. What do you mean when you say you didn't 10:50:08

10 know who to trust? 10:50:11

11 A. Because each company told me different 10:50:12

12 things. 10:50:14

13 Q. I think -- Ms. Harvey, I'm sorry. I think 10:50:18

14 that -- so, Ms. Harvey, I think I'm asking just if 10:50:24

15 you trust the company broadly, not in reference to 10:50:35

16 the specific unauthorized transactions. 10:50:38

17 I'm trying to get a sense of your general 10:50:40

18 feeling towards the company as opposed to whether 10:50:42

19 you trusted what they had to say about the 10:50:46

20 transactions, if that -- does that make sense? 10:50:48

21 A. They were giving conflicting information 10:50:52

22 compared to the other companies. I didn't know who 10:50:54

23 to trust. 10:50:57

24 Q. Do you feel it's trustworthy to give 10:51:01

25 conflicting information? 10:51:03

1 A. No, I do not. 10:51:04

2 Q. Do you believe Google can be trusted with 10:51:08

3 your personal information? 10:51:09

4 A. No, I do not. I did. 10:51:11

5 Q. When did you stop trusting Google with 10:51:15

6 your personal information? 10:51:17

7 A. When I realized the button didn't work. 10:51:19

8 Q. When did you realize the button didn't 10:51:22

9 work? 10:51:24

10 A. After I had discussions with my attorneys. 10:51:25

11 MR. LEE: And I don't want you to get into 10:51:27

12 those discussions. But that's fair. Just don't -- 10:51:30

13 don't get into the substance of those conversations. 10:51:32

14 BY MR. MATEEN: 10:51:40

15 Q. Before you had your conversations with 10:51:40

16 your attorneys, you did trust Google with your 10:51:42

17 personal information? 10:51:44

18 A. Well, I trusted that they weren't taking 10:51:45

19 it and using it and doing whatever they were doing 10:51:47

20 with it, yes, because I -- there was a button 10:51:52

21 offered to me that told me I could be in control. 10:51:55

22 And I wasn't in control. 10:51:57

23 Q. So the first time you understood -- you 10:52:02

24 understood that the button wasn't working was after 10:52:06

25 you first started talking to your lawyers? 10:52:08

1 A. Yes, because I took it at face value that 10:52:11
2 it did what it said it would do. 10:52:14
3 Q. And to be clear, "the button" is the 10:52:17
4 Web & App Activity button? 10:52:19
5 A. Yes, sir. 10:52:20
6 Q. Okay. And which lawyers did you talk to 10:52:28
7 first? 10:52:29
8 A. My attorneys. Boies Schiller Flexner at 10:52:30
9 first. 10:52:36
10 Q. Did you talk to any attorneys before you 10:52:36
11 talked to Boies Schiller Flexner? 10:52:39
12 A. Not about this, no. 10:52:43
13 Q. Have you contacted any other attorneys 10:52:48
14 about Google before contacting Boies Schiller 10:52:50
15 Flexner? 10:52:53
16 A. Not about this subject, no. 10:52:54
17 Q. Have you contacted any attorneys about 10:52:56
18 Google regarding another subject? 10:53:01
19 A. Regarding the in-app purchases, yes. 10:53:03
20 Q. Did you contact any attorneys other than 10:53:07
21 the attorneys that represented you in your 2015 10:53:10
22 lawsuit? 10:53:14
23 A. There were a few attorneys I contacted. 10:53:15
24 Q. And did you contact them after your 10:53:19
25 lawsuit was dismissed? 10:53:23

1 that? 10:55:05

2 A. I felt like there could have been more 10:55:06

3 done. But that's, I'm pretty sure, privileged 10:55:08

4 information. 10:55:11

5 Q. Did you consider suing your attorneys? 10:55:13

6 A. As I stated, I feel like any information 10:55:17

7 through the attorneys are privileged. But I wasn't 10:55:21

8 happy with the way it went, no. 10:55:24

9 Q. So the -- the content of any conversations 10:55:28

10 you've had with attorneys would likely be 10:55:32

11 privileged. But your feelings about whether or not 10:55:37

12 to sue the attorneys would not be privileged? 10:55:39

13 A. I didn't know what would be -- what -- 10:55:42

14 what the issue was. So if I talked to somebody, I 10:55:45

15 told them what happened. 10:55:53

16 MR. LEE: Let me just draw a line in the 10:55:55

17 sand. 10:55:56

18 Any discussions you had with your lawyers 10:55:59

19 or consultations you had with potential lawyers 10:56:02

20 about this matter are all privileged. 10:56:06

21 THE WITNESS: Okay. 10:56:08

22 MR. LEE: That's where the line is. 10:56:09

23 THE WITNESS: Okay. 10:56:10

24 MR. LEE: So even if they didn't retain 10:56:11

25 you, if you were seeking legal advice and there was 10:56:12

1 a consultation and any discussions there were. 10:56:16

2 THE WITNESS: Okay. 10:56:19

3 MR. MATEEN: Thank you. 10:56:20

4 MR. LEE: You're welcome. 10:56:22

5 BY MR. MATEEN: 10:56:24

6 Q. How many lawyers did you reach out to 10:56:24

7 after your case was dismissed? 10:56:35

8 A. I do not recall. 10:56:38

9 Q. Was it more than 10 lawyers? 10:56:39

10 A. I do not recall. 10:56:40

11 Q. Was it more than one lawyer? 10:56:45

12 A. I'm sure it was. But, like I stated, I do 10:56:46

13 not recall how many it was. 10:56:49

14 Q. Do you recall if it was more than two 10:57:02

15 lawyers? 10:57:03

16 A. I do not recall. 10:57:03

17 MR. LEE: Asked and answered. C'mon, man. 10:57:04

18 BY MR. MATEEN: 10:57:07

19 Q. Ms. Harvey, you don't have any general 10:57:13

20 idea about how many attorneys you -- 10:57:14

21 A. I stated I don't recall. 10:57:17

22 MR. LEE: Wait -- wait for Mr. -- 10:57:18

23 THE WITNESS: To finish. 10:57:19

24 MR. LEE: Wait for Mr. Marteen to finish. 10:57:20

25 THE WITNESS: Sorry. 10:57:22

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1 MR. LEE: I know that you know what he's 10:57:22
2 asking. 10:57:24
3 THE WITNESS: Yeah. Sorry. I apologize. 10:57:24
4 MR. LEE: And then give it a pause and 10:57:26
5 then you can answer. Okay? 10:57:27
6 THE WITNESS: Go ahead. 10:57:27
7 MR. LEE: Slow down. 10:57:28
8 BY MR. MATEEN: 10:57:29
9 Q. No worries. I also am a quick talker and 10:57:30
10 jump in. So I know it's -- I'm just as guilty of 10:57:33
11 the same thing. 10:57:37
12 So I think we resolved that issue. You 10:57:42
13 don't know how many attorneys you consulted with. 10:57:46
14 Have you had any consultations with any 10:57:50
15 lawyers about Google for any issues other than the 10:57:52
16 unauthorized transactions and other than your 10:57:56
17 consultations with Boies Schiller? 10:57:58
18 A. No, not that I recall. I would have -- 10:58:00
19 no. 10:58:07
20 Q. Have you ever considered suing Google for 10:58:21
21 any other reason besides the two reasons that you 10:58:24
22 sued Google for? 10:58:28
23 A. No, not that I can recall. There wouldn't 10:58:29
24 be another reason. 10:58:32
25 Q. So can you tell me in your own words why 10:58:37

1	you're suing Google in this lawsuit?	10:58:39
2	A. Yes. Because they offered me an option to	10:58:41
3	not collect my data or to be in control of my data,	10:58:45
4	and they didn't honor that.	10:58:47
5	Q. What should Google have done instead?	10:59:20
6	A. In regards to?	10:59:23
7	Q. I just asked why you're suing Google. You	10:59:28
8	said that Google did not honor the option that you	10:59:30
9	selected.	10:59:38
10	A. Yes.	10:59:40
11	Q. What would you have preferred Google have	10:59:41
12	done?	10:59:43
13	A. To not actually take, use, and -- take,	10:59:44
14	use, and save my information. It said that I was in	10:59:48
15	control. That doesn't put me in control.	10:59:53
16	Q. So can you tell me in your own words what	10:59:55
17	you mean when you say that Google took, used, and	10:59:58
18	saved your information?	11:00:01
19	A. In my own words? Well, I -- I just go by	11:00:04
20	what Google told me, which is that if you have	11:00:08
21	Web & App Activity on, that they can -- Google apps,	11:00:13
22	that it collects the information for Google apps,	11:00:18
23	sites, devices, from the search in YouTube and	11:00:20
24	Google home from platforms like Google browser and	11:00:24
25	Android operating system, products that integrate	11:00:27

1 into third-party apps and sites like ads and beta 11:00:31
2 Google Maps. 11:00:38
3 Q. So, Ms. Harvey, just to be clear -- 11:00:39
4 MR. LEE: Excuse me. I don't think she 11:00:40
5 was done. She's -- I think she was still continuing 11:00:41
6 on with her answer, Mr. Mateen. 11:00:44
7 MR. MATEEN: Okay. 11:00:47
8 THE WITNESS: Across your services, you 11:00:47
9 can adjust your privacy settings to control what we 11:00:48
10 collect and how we -- your information is used. 11:00:52
11 MR. LEE: For the record, she's reading 11:00:56
12 from the privacy policy. 11:00:57
13 BY MR. MATEEN: 11:00:59
14 Q. Okay. That's what I was asking. 11:01:00
15 So that's what Google told you and what 11:01:09
16 you believed was happening originally before you 11:01:15
17 found out about -- strike that, actually. 11:01:18
18 You allege that Google is not abiding by 11:01:28
19 this privacy policy, right? 11:01:40
20 A. Yes, I do. 11:01:42
21 Q. How? 11:01:44
22 A. Excuse me? 11:01:48
23 Q. How is it not abiding by this privacy 11:01:49
24 policy? 11:01:51
25 A. It is not doing what it says it's supposed 11:01:52

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1 to do. The button doesn't work. The information is 11:01:54
2 still collected. 11:01:56
3 Q. How is it collected? 11:01:59
4 A. I don't know how that's done. That's not 11:02:02
5 for me to decide. I just know it's not supposed to 11:02:04
6 happen. 11:02:07
7 Q. And what information is collected? 11:02:10
8 A. Everything: Your device IDs, your geo 11:02:13
9 location, your location, IP addresses, anything that 11:02:17
10 you're doing on sites, apps, whatever. It's all 11:02:21
11 being collected. And the way I read it, I was in 11:02:24
12 control. I am not in control. 11:02:27
13 Q. Just to clarify your answer, I am asking 11:02:30
14 whether Google collects -- strike that. 11:02:41
15 To clarify your answer, I am asking what 11:02:44
16 information Google is collecting when you believe 11:02:50
17 that Google is not collecting that information. 11:02:55
18 Does that make sense? 11:02:59
19 A. Everything. 11:03:01
20 MR. LEE: When you mean WAA is off? 11:03:01
21 MR. MATEEN: Yes. 11:03:04
22 THE WITNESS: Off? Yes. Because as I 11:03:04
23 read the way this sits, it says that -- 11:03:06
24 MR. LEE: For the record, she's reading 11:03:09
25 from the WAA disclosure. 11:03:10

1 THE WITNESS: I -- I go to privacy 11:03:12
2 control, take activity controls. I look at the 11:03:14
3 activity controls, and it says your searches. 11:03:16
4 MR. LEE: Nice and slow for the court 11:03:18
5 reporter. 11:03:19
6 THE WITNESS: Okay. When 11:03:20
7 Web & App Activity is on, Google saves information 11:03:22
8 like searches and other things you do across Google 11:03:24
9 products and services. Like Maps and Play, your 11:03:27
10 location language, IP addresses, refers, and whether 11:03:31
11 you use browser or an app, ads you click on, things 11:03:34
12 you buy or other advertisements and sites. 11:03:38
13 Information on your devices like recent apps or 11:03:41
14 contact names you search for. 11:03:47
15 When Web & App Activity is on, you can 11:03:50
16 include additional activity, sites, and apps that 11:03:53
17 partner with Google to show Web ads, sites and apps 11:03:56
18 that use Google services, including free services, 11:04:00
19 including data that app share with Google, your 11:04:15
20 Chrome browsing history. And to let Google save 11:04:19
21 that information, I'm supposed to have turned it on. 11:04:23
22 And I turned it off so that couldn't be done. 11:04:26
23 BY MR. MATEEN: 11:04:31
24 Q. And did Google save that information after 11:04:37
25 you turned it off? 11:04:40

1	A.	I turned it off years ago. Yes.	11:04:42
2	Q.	And what did Google do with that	11:04:48
3		information?	11:04:50
4	A.	They used it for their own benefit.	11:04:51
5	Q.	How did they use it for their own benefit?	11:04:54
6	A.	I can't speculate what was it actually	11:04:57
7		used for. That's not for me to decide.	11:04:59
8	Q.	How do you know it was used at all?	11:05:19
9	A.	After speaking with my attorney.	11:05:21
10	MR. LEE:	Okay. So that's good. You can	11:05:23
11		say that, but I don't want you to get into the	11:05:25
12		substance of any discussions you've had with your	11:05:27
13		attorney.	11:05:28
14	THE WITNESS:	Yeah, after speaking with my	11:05:30
15		attorney.	11:05:31
16	BY MR. MATEEN:		11:05:33
17	Q.	Outside of any discussion you've had with	11:05:43
18		your attorneys, do you have any reason to believe	11:05:44
19		that Google has used your information collected when	11:05:46
20		the Web & App Activity toggle was off?	11:05:52
21	A.	I think that would be a question for	11:05:55
22		Google, wouldn't it?	11:05:57
23	MR. MATEEN:	I just want to be clear. Are	11:06:26
24		you not going to permit her to testify as to the	11:06:28
25		basis of her knowledge of what Google did in this	11:06:31

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1 action because it's privileged? 11:06:37

2 MR. LEE: No idea what you're saying. 11:06:42

3 MR. MATEEN: I guess as far as the basis 11:06:44

4 of her knowledge that underlies this lawsuit is 11:06:46

5 privileged, the facts that led up to this lawsuit. 11:06:51

6 The basis of her knowledge, are you saying that's 11:06:54

7 privileged? 11:07:00

8 MR. LEE: Well, she testified that the way 11:07:01

9 she knows that Google is saving and using data 11:07:04

10 collected when WAA is off, she learned from 11:07:12

11 discussions with her lawyers. So she told you that 11:07:15

12 already. And I told her that's fine, "But do not 11:07:19

13 discuss the substance of any discussions you've had 11:07:23

14 with your attorneys." 11:07:27

15 MR. MATEEN: Okay. That's fair enough. 11:07:28

16 MR. LEE: So that's, I think, where -- 11:07:30

17 where we left it. 11:07:32

18 MR. MATEEN: Yeah, that's fine. Just 11:07:34

19 wanted to be clear. 11:07:35

20 MR. LEE: Okay. 11:07:38

21 MR. MATEEN: We've been going on for 11:08:11

22 nearly an hour. Would this be a good time for a 11:08:14

23 break? 11:08:20

24 MR. LEE: Sure. 11:08:20

25 THE VIDEO OPERATOR: Going off the record. 11:08:21

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1 The time is 11:08 a.m. 11:08:22

2 (Off the record at 11:08 a.m. and back 11:08:24

3 on the record at 11:22 a.m.) 11:22:28

4 THE VIDEO OPERATOR: Back on the record. 11:22:29

5 The time is 11:22 a.m. 11:22:30

6 MR. MATEEN: Thank you. 11:22:34

7 BY MR. MATEEN: 11:22:39

8 Q. Ms. Harvey, I'm going to introduce a new 11:22:39

9 exhibit here. 11:22:41

10 (Whereupon Exhibit 6 was marked for 11:22:47

11 identification.) 11:22:47

12 BY MR. MATEEN: 11:22:48

13 Q. I've just introduced Exhibit 6. These are 11:23:18

14 your objections and responses to interrogatories 11:23:21

15 that Google sent you. 11:23:25

16 Have you seen this document before? 11:23:28

17 MR. LEE: Give her a chance to look at it 11:23:34

18 first. 11:23:35

19 MR. MATEEN: Absolutely. 11:23:35

20 (Witness reviewing document.) 11:23:36

21 THE WITNESS: These are -- 11:23:56

22 MR. LEE: I can't answer questions. 11:23:56

23 THE WITNESS: Okay. 11:23:58

24 MR. LEE: So when I ignore you -- 11:23:58

25 THE WITNESS: Yes. 11:23:59

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1 MR. LEE: -- it's not because I'm being 11:23:59
2 rude. 11:24:01
3 THE WITNESS: Got it. 11:24:02
4 MR. LEE: Review the record and try to 11:24:02
5 answer his question. 11:24:04
6 MR. SANTACANA: Exhibit 6, Harris? 11:24:34
7 MR. MATEEN: Exhibit 6. 11:24:36
8 MR. LEE: Do you need to zoom it? 11:25:03
9 THE WITNESS: Well, I'm confused. This is 11:25:05
10 the one from '15, correct? 11:25:06
11 MR. LEE: No. There's a date at the 11:25:09
12 bottom of the last page. 11:25:10
13 THE WITNESS: Let me see. Because it 11:25:12
14 talks about debit card. 11:25:15
15 Yeah, '15. This is from the original 11:25:25
16 thing that -- 11:25:28
17 MR. LEE: Are we looking at different 11:25:29
18 exhibits? 11:25:31
19 THE WITNESS: Yeah. 11:25:32
20 MR. LEE: Which one are you looking at? 11:25:32
21 THE WITNESS: The one he sent me. 11:25:35
22 MR. LEE: Oh, no. That's not the right 11:25:36
23 one. 11:25:38
24 THE WITNESS: The very first -- 11:25:38
25 MR. LEE: No, no, no, no. Yeah, I know, 11:25:39

1 but that's not what he's referring to. 11:25:39

2 Sorry, guys. She was just looking at the 11:25:43

3 wrong. 11:25:45

4 THE WITNESS: On the bottom? 11:25:45

5 MR. LEE: Yeah, that one. 11:25:48

6 MR. MATEEN: James, does Ms. Harvey have 11:25:49

7 any windows open other than Exhibit Share in Zoom? 11:25:53

8 MR. LEE: No. It's just that this 11:25:58

9 mouse -- this is a court reporter's laptop, and the 11:25:58

10 mouse is a little finicky. 11:26:02

11 MR. MATEEN: Uh-huh. 11:26:04

12 MR. LEE: And Ms. Harvey has never used 11:26:06

13 Exhibit Share, so she just opened the wrong exhibit. 11:26:09

14 MR. MATEEN: Sure. 11:26:12

15 THE WITNESS: Okay. Let me see. 11:26:13

16 MR. LEE: Take a look at that. 11:26:15

17 She now has Exhibit 6 up. 11:26:15

18 THE WITNESS: Okay. 11:26:45

19 BY MR. MATEEN: 11:26:46

20 Q. Do you recognize this document? 11:26:49

21 A. Yes. 11:26:51

22 Q. So if you look at the response to 11:26:57

23 Interrogatory 6, it says that you responded that you 11:26:59

24 recall reading news articles about this lawsuit and 11:27:09

25 Google's unlawful conduct described in the complaint 11:27:13

1 first filed on July 14, 2020. 11:27:16

2 I just want to get whatever information 11:27:19

3 you might have about when you might have found out 11:27:21

4 about this lawsuit after it was filed and where you 11:27:27

5 might have found out about it beyond what's written 11:27:33

6 here. 11:27:36

7 And so I'll ask my question, first one 11:27:36

8 being: Do you remember when you first learned about 11:27:39

9 this lawsuit after it was filed? 11:27:43

10 A. I cannot give you an exact date. 11:27:45

11 Q. Was it in the summer of 2020? 11:27:50

12 A. It was prior to me contacting the 11:27:54

13 attorneys. 11:27:56

14 Q. When did you contact the attorneys? 11:27:57

15 A. Before the amended complaint was filed. I 11:28:01

16 had never seen the complaint until after I saw the 11:28:05

17 amended one. 11:28:08

18 Q. The amended complaint was filed, if I 11:28:11

19 recall correctly, in December 2020. 11:28:13

20 So about how long before that did you 11:28:15

21 contact your attorneys? 11:28:20

22 A. I can't give you an exact date. I don't 11:28:21

23 recall. It was prior to that. 11:28:23

24 MR. LEE: Just for the record, Mr. Mateen, 11:28:26

25 I don't -- I don't think you're wrong on the date; I 11:28:28

1 just don't know if that's the date. So if you're 11:28:32
2 making that representation, I'll accept it. 11:28:34
3 MR. MATEEN: It's December 2020. And then 11:28:36
4 I can follow up afterwards if it's wrong, but -- 11:28:37
5 MR. LEE: Okay. 11:28:40
6 MR. MATEEN: -- it's -- I'm near positive 11:28:40
7 it's December 2020. 11:28:44
8 BY MR. MATEEN: 11:28:46
9 Q. Ms. Harvey, do you have any idea? Was it 11:28:50
10 a month before December 2020? 11:28:52
11 A. I can't really recall, but I know it was 11:28:55
12 after the -- the complaint was filed because there's 11:28:57
13 a news article on it, and that's what made me 11:28:59
14 contact them. I wanted more information. 11:29:02
15 Q. Where do you typically get your news? 11:29:28
16 A. Off my Android device. 11:29:30
17 Q. Are there certain news sources that you 11:29:33
18 frequent? 11:29:36
19 A. No. I search for information. What I had 11:29:36
20 searched for was information regarding a Google 11:29:39
21 lawsuit because I heard there was a new one that was 11:29:42
22 filed. 11:29:44
23 Q. Is there any news source that you read 11:30:00
24 that's specific to legal news? 11:30:01
25 A. No. 11:30:03

1 Q. Is there any news source that you read 11:30:05
2 that's specific to tech news? 11:30:08
3 A. No. Whatever Google sends me. 11:30:12
4 Q. So in your response to Interrogatory 11:30:15
5 Number 6, you said that you had prior problems with 11:30:25
6 your Google settings, "including when Google 11:30:28
7 permitted unauthorized actors to gain access to and 11:30:34
8 deplete her financial accounts." 11:30:37
9 MR. LEE: Is that your question? 11:30:51
10 MR. MATEEN: My question's coming. 11:30:52
11 BY MR. MATEEN: 11:30:54
12 Q. So I'm focusing on the word "including" 11:30:56
13 here. And I'm sorry if this is a finicky question, 11:30:58
14 but I read "including" to mean that there are more 11:31:01
15 problems that you've had with your Google settings 11:31:05
16 besides permitting unauthorized actors to gain 11:31:08
17 access to you and deplete your financial accounts; 11:31:12
18 is that correct? 11:31:17
19 A. I had a lot of issues with my Google 11:31:19
20 account. 11:31:22
21 Q. And can you tell me what those issues 11:31:23
22 were? 11:31:24
23 A. It involved every product that you had. 11:31:26
24 That's all I can say. 11:31:28
25 Q. I'm sorry. Can you repeat that? I did 11:31:30

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1 not -- 11:31:31

2 A. It involved the whole Google account. Any 11:31:32

3 product that I was linked to, I would have problems 11:31:35

4 with. 11:31:37

5 Q. And what were some of those problems? 11:31:38

6 A. I can't recall every single one, but I -- 11:31:41

7 I know there were issues with YouTube, issues with 11:31:46

8 location. There was issues with a lot of different 11:31:49

9 ones. With the Google Wallet, Google Play Store. 11:31:52

10 I -- they were -- they were extensive. 11:31:54

11 Q. What issues did you have with YouTube? 11:32:01

12 A. The first video that was downloaded was 11:32:04

13 dated 12/31/69. 11:32:06

14 Q. I'm sorry. I did not pick up on that. 11:32:12

15 Could you repeat your answer, please? 11:32:14

16 A. The first video that's downloaded on that 11:32:16

17 account is 12 -- the date of it is 12/31/69. I was 11:32:19

18 about a year -- a year and five months old. I don't 11:32:24

19 think I could have done it. Android wasn't 11:32:26

20 account -- or developed yet. That was one of the 11:32:27

21 issues. 11:32:31

22 Q. Were there any other issues that you had 11:32:33

23 with YouTube? 11:32:35

24 A. I tried to stay away from it. 11:32:36

25 Q. Then you said that there's issues with 11:32:40

1 location that you had? 11:32:41

2 A. Yes. 11:32:43

3 Q. What were those issues? 11:32:45

4 A. My maps were constantly bouncing me 11:32:47

5 everywhere that I wasn't going, saying I was on 11:32:50

6 bicycles when I didn't ride a bike. 11:32:54

7 Q. Then you mentioned Google Wallet. 11:33:06

8 What were the issues that you had at 11:33:09

9 Google Wallet? 11:33:12

10 A. Well, apparently the transactions, because 11:33:13

11 that's what made them. And I didn't have a 11:33:15

12 Google Wallet. 11:33:18

13 Q. Did you have any issues with Google Wallet 11:33:25

14 besides those transactions? 11:33:27

15 A. Excuse me? I never used Google Wallet. I 11:33:30

16 didn't make it, I didn't use it, and I never had 11:33:33

17 possession of it. 11:33:36

18 Q. And then with Play Store, besides the 11:33:56

19 unauthorized transactions from 2013, have you had 11:33:59

20 any other issues? 11:34:01

21 A. Regarding -- besides what happened prior? 11:34:04

22 Q. Yes. 11:34:06

23 A. Just things on my device changing when I 11:34:07

24 didn't understand how they were changing. 11:34:10

25 Q. What were the things on your device that 11:34:13

1	were changing?	11:34:16
2	A. Icons, things like that.	11:34:17
3	Q. What do you mean that the icons were	11:34:19
4	changing?	11:34:21
5	A. They would move all over the place, or	11:34:22
6	they wouldn't be there and I'd have to redownload an	11:34:23
7	app.	11:34:28
8	Q. So, in this case, can you tell me what the	11:34:46
9	problem that you're having with your Google settings	11:34:48
10	are?	11:34:50
11	A. Excuse me?	11:34:51
12	MR. LEE: He means in this --	11:34:52
13	THE WITNESS: In this case?	11:34:53
14	BY MR. MATEEN:	11:34:54
15	Q. In this lawsuit, yes.	11:34:54
16	A. I was offered an option to be able to turn	11:34:55
17	off data collection to where it wouldn't be saved or	11:34:59
18	used or stored or anything, and that wasn't done.	11:35:03
19	Q. Did you ever notice anything off about	11:35:10
20	your Google settings?	11:35:13
21	MR. LEE: Objection. Vague.	11:35:14
22	BY MR. MATEEN:	11:35:15
23	Q. Did you ever notice anything off about	11:35:15
24	your Web & App Activity settings?	11:35:20
25	MR. LEE: Objection. Vague.	11:35:21

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1 I think the word "off" is what's 11:35:22
2 confusing. 11:35:24
3 BY MR. MATEEN: 11:35:30
4 Q. Prior to filing this lawsuit, have you 11:35:30
5 ever had any issues with your Web & App -- 11:35:32
6 Web & App Activity settings? 11:35:33
7 A. It shows it's recorded. But, other than 11:35:38
8 that, I can't -- I don't under- -- I don't know why 11:35:39
9 it's recorded because it's not supposed to be. 11:35:41
10 Q. So in your response to the Interrogatory 11:35:48
11 Number 6, you said that you had a prior problem 11:35:50
12 where Google permitted unauthorized actors to gain 11:35:56
13 access to your financial accounts. 11:36:00
14 Do you believe in this lawsuit that we're 11:36:04
15 here for right now Google has permitted unauthorized 11:36:08
16 actors to gain access to your personal information? 11:36:12
17 MR. LEE: Objection. Mischaracterizes her 11:36:16
18 testimony. 11:36:18
19 Go ahead. 11:36:19
20 THE WITNESS: No, that was resolved. It's 11:36:19
21 two totally separate things. I don't understand. 11:36:21
22 BY MR. MATEEN: 11:36:29
23 Q. Did you take any steps to try to resolve 11:36:33
24 the problems you're having with your YouTube 11:36:35
25 settings? 11:36:38

1 A. Yes, I did. 11:36:38

2 Q. What did you do? 11:36:40

3 A. I told Google and asked them how to fix 11:36:41

4 it. 11:36:44

5 Q. Did you get a response from Google? 11:36:45

6 A. They basically referred me to the terms 11:36:48

7 and conditions and the privacy policy. 11:36:51

8 Q. Ms. Harvey, I'm sorry. I'm asking 11:36:57

9 specifically about your YouTube settings when you 11:36:59

10 mentioned that the first video that appeared was 11:37:02

11 from 1969. 11:37:05

12 A. I got no answer. 11:37:07

13 Q. You got no answer. 11:37:09

14 Then you mentioned you had issues with 11:37:13

15 location in which it was saying that you were on a 11:37:15

16 bicycle when you weren't on a bicycle or that your 11:37:21

17 location was bouncing around everywhere. 11:37:26

18 Did you contact Google about that? 11:37:29

19 A. Yes, I did. 11:37:31

20 Q. Did you get a response from Google? 11:37:33

21 A. They referred me to Google Maps that you 11:37:35

22 have to pay for, and they wouldn't help me. Like 11:37:37

23 professional-something. They wouldn't help me. 11:37:41

24 Q. Do you know what the Google Maps that you 11:37:49

25 have to pay for is? 11:37:51

1	A. I have no idea. I just -- I had	11:37:52
2	Google Maps on my -- on my device, and I figured	11:37:54
3	Google Maps was Google Maps. Why would they refer	11:37:58
4	me there if it was a pay app and they knew I didn't	11:38:02
5	pay.	11:38:07

6	Q.	I'm going to introduce a new exhibit.	11:38:08
7		(Whereupon Exhibit 7 was marked for	11:38:11
8		identification.)	11:38:11

9 BY MR. MATEEN: 11:38:58

10	Q. I've just introduced an exhibit. It's	11:38:58
11	marked as Exhibit Number 7. For the record, this is	11:39:00
12	from plaintiffs' production Bates Number 001388 --	11:39:10
13	0001388.	11:39:14

14	Ms. Harvey, let me know when you've	11:39:31
15	reviewed it.	11:39:33

16	(Witness reviewing document.)	11:39:34
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17	THE WITNESS: Okay.	11:40:57
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18 BY MR. MATEEN: 11:40:57

19	Q. This is an e-mail that you received that	11:41:03
20	your attorneys produced to us in response to a	11:41:05
21	document request.	11:41:07

```
22          This was sent to the e-mail address                      11:41:08
23 ██████████@gmail.com.  And it's a Google alert for                11:41:12
24 the word "Google."                                                11:41:22
```

25	Why did you have a Google alert for the	11:41:23
----	---	----------

1 word "Google" set up? 11:41:25

2 A. If anything came up in the news regarding 11:41:27

3 Google. 11:41:30

4 Q. Did you have Google alerts set up for the 11:41:34

5 names of any other companies? 11:41:36

6 A. Yes. I had it set up for Facebook, [REDACTED] [REDACTED]

7 [REDACTED], all of them. And that those were set up 11:41:42

8 quite a while ago. 11:41:46

9 Q. Well, there's Facebook, there's Google, 11:41:51

10 there's [REDACTED]. 11:41:54

11 What other companies? 11:41:56

12 A. Probably Phantom EFX. I don't recall all 11:41:58

13 of them. There might not be any more. 11:42:09

14 (Reporter request for clarification.) 11:42:14

15 BY MR. MATEEN: 11:42:18

16 Q. What news regarding Google were you 11:42:23

17 looking for with these Google alerts? 11:42:24

18 A. Any. 11:42:27

19 Q. Can you give a few examples of any? 11:42:29

20 A. I think that's sort of self-explanatory. 11:42:32

21 Any news regarding Google, good or bad. 11:42:34

22 Q. In 2021, did you have an interest in 11:42:46

23 learning any news about Google, good or bad? 11:42:48

24 A. That's not when this was set up. 11:42:52

25 Q. When did you set this up? 11:42:54

1	A. Years ago.	11:42:56
2	Q. About how many years ago?	11:43:00
3	A. Between -- I can't recall exactly. But it	11:43:03
4	was probably within the last 10 years. I can't tell	11:43:09
5	you exactly when.	11:43:12
6	Q. And do you check these Google alerts for	11:43:16
7	the word "Google" frequently?	11:43:19
8	A. They came to my e-mail.	11:43:22
9	Q. And so did you read them when they came?	11:43:25
10	A. No. Occasionally I did. Occasionally I	11:43:28
11	didn't. It just depended.	11:43:30
12	Q. So if you look at the first page, there's	11:43:34
13	an entry at the bottom that says: "Google faces new	11:43:36
14	class actions lawsuit for privacy violations."	11:43:40
15	A. I see that.	11:43:45
16	Q. Could you have read this e-mail and	11:43:53
17	clicked on this link?	11:43:55
18	A. I believe I searched on the Internet, but	11:43:56
19	I can't say for sure.	11:43:58
20	Q. I'm going to introduce a new exhibit.	11:44:13
21	(Whereupon Exhibit 8 was marked for	11:44:15
22	identification.)	11:44:15
23	BY MR. MATEEN:	11:44:16
24	Q. So I've just introduced a new exhibit that	11:45:11
25	I've marked Exhibit 8. For the record, this	11:45:14

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1 document is from plaintiffs' production and 11:45:16

2 Bates-stamped 006 -- I'm sorry. Strike that. 11:45:21

3 0006389. 11:45:33

4 Ms. Harvey, just let me know when you've 11:45:41

5 taken a look at this. 11:45:42

6 (Witness reviewing document.) 11:45:49

7 THE WITNESS: Okay. 11:47:17

8 BY MR. MATEEN: 11:47:17

9 Q. So this is an e-mail you received from 11:47:19

10 topclassactions.com. 11:47:24

11 What is topclassactions.com? 11:47:26

12 A. A notification service or something. 11:47:30

13 Q. And is this a notification service that 11:47:39

14 you've subscribed to? 11:47:42

15 A. I must have, because I get it in my 11:47:44

16 e-mail. 11:47:46

17 MR. LEE: I don't want you to guess. 11:47:46

18 THE WITNESS: Okay. 11:47:48

19 I'm not sure, but I know there's something 11:47:48

20 in my e-mail that says something about that. 11:47:50

21 BY MR. MATEEN: 11:47:53

22 Q. And what sort of notifications do you get 11:47:54

23 from topclassactions.com? 11:48:00

24 A. It's -- I -- I don't really understand. 11:48:03

25 It tells you right in it latest lawsuits and 11:48:07

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1 settlement news. 11:48:19

2 Q. And why are you trying to find -- strike 11:48:20

3 that. 11:48:22

4 Why are you trying to find out the latest 11:48:23

5 lawsuit and settlement news? 11:48:27

6 MR. LEE: Objection. Mischaracterizes her 11:48:28

7 testimony. Lack of foundation. 11:48:30

8 BY MR. MATEEN: 11:48:31

9 Q. You can answer. 11:48:32

10 MR. LEE: Answer again. 11:48:37

11 THE WITNESS: Well, basically, I've 11:48:38

12 already stated that the reason I found my attorneys 11:48:39

13 is because I looked online. It wasn't to do with 11:48:41

14 this document. 11:48:44

15 BY MR. MATEEN: 11:48:57

16 Q. Ms. Harvey, I'm not asking -- I'm not 11:48:58

17 asking about where you found your attorneys. 11:49:01

18 I'm asking specifically about this 11:49:03

19 document which is from a Web site called 11:49:06

20 topclassactions.com and sends e-mails and 11:49:10

21 notifications about the latest lawsuit and 11:49:15

22 settlement news. 11:49:17

23 Can you please go to the last page? 11:49:21

24 A. Okay. 11:49:32

25 Q. At the bottom, do you see that there's a 11:49:33

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1 word that says "unsubscribe"? 11:49:35

2 A. Wait a minute. Let me go down further. 11:49:37

3 Yes. 11:49:44

4 Q. Do you believe that implies that you 11:49:50

5 subscribed? Would you agree with that? 11:49:52

6 MR. LEE: Objection to form. That 11:49:54

7 mischaracterizes reality. 11:49:55

8 BY MR. MATEEN: 11:49:57

9 Q. You can answer. 11:49:58

10 A. I just stated I -- I get the e-mail. I'm 11:49:59

11 thinking are my friends maybe forwarded it to me? 11:50:03

12 And maybe I did. But I've never contacted anybody 11:50:07

13 regarding anything on it. It's to stay up -- up on 11:50:10

14 the news. 11:50:16

15 Q. Do you receive e-mails from any other 11:50:22

16 services -- 11:50:23

17 A. I might. I can't recall. 11:50:25

18 Q. Well, let me finish my question. 11:50:32

19 Do you receive any e-mails from any other 11:50:34

20 services about class action lawsuits? 11:50:37

21 A. As I stated, I might. I don't recall. 11:50:39

22 Q. Do you remember receiving any e-mails 11:50:47

23 other than this one about class action lawsuits in 11:50:48

24 your in-box? 11:50:52

25 A. This could be a completely 'nother one 11:50:53

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1 that I'm not even thinking about. I don't know. 11:50:56

2 I -- those -- those accounts are spammed quite a 11:50:58

3 bit. 11:51:01

4 Q. Why do you think you might have received 11:51:02

5 e-mails about class action lawsuits? 11:51:07

6 MR. LEE: Objection. Calls for 11:51:10

7 speculation. 11:51:10

8 BY MR. MATEEN: 11:51:17

9 Q. You can answer. 11:51:17

10 A. No clue. 11:51:21

11 Q. Besides this present lawsuit, have you 11:51:44

12 ever reached out to any attorneys about a class 11:51:45

13 action lawsuit against any party? 11:51:50

14 MR. LEE: Asked and answered multiple 11:51:54

15 times. 11:51:56

16 BY MR. MATEEN: 11:51:59

17 Q. You can answer. 11:52:00

18 A. I don't recall. I don't think so. 11:52:02

19 Q. Just to clarify, is your answer to the 11:52:12

20 question you don't recall or no? 11:52:14

21 A. I don't recall. 11:52:21

22 Q. Do you know why you don't recall? 11:52:45

23 A. Excuse me? 11:52:49

24 Q. Do you know why you don't recall? 11:52:49

25 A. No. 11:52:52

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1 Q. Ms. Harvey, I'm -- I'm just trying to 11:52:56
2 figure out -- 11:52:57
3 MR. LEE: Let him ask his next question. 11:53:08
4 THE WITNESS: Okay. 11:53:11
5 BY MR. MATEEN: 11:53:12
6 Q. Do you recall if you have had any contacts 11:53:35
7 with attorneys other than your attorneys in this 11:53:41
8 lawsuit and in your 2015 lawsuit against Google? 11:53:46
9 MR. LEE: Objection to form. Asked and 11:53:51
10 answered several times. 11:53:52
11 BY MR. MATEEN: 11:53:54
12 Q. You can answer. 11:53:55
13 A. I -- I don't quite understand. This is 11:53:56
14 the only time I contacted Boies Schiller. I saw an 11:53:59
15 article that said that they had a case. I looked up 11:54:04
16 their name, and I called them. 11:54:07
17 I never knew the button didn't work up 11:54:14
18 until we started having discussion. 11:54:18
19 Q. Ms. Harvey, thank you. I'm not asking 11:54:25
20 about your contacts with Boies Schiller. I'm asking 11:54:26
21 if you've had contacts with any attorneys in 11:54:28
22 reference to any company other than this case here. 11:54:31
23 MR. LEE: Mr. Mateen, I think the 11:54:46
24 confusion is we spent two hours talking about a 11:54:47
25 prior lawsuit. I assume you're excluding that. 11:54:50

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1 MR. MATEEN: I'm excluding that, yeah. 11:54:55

2 I'm excluding that -- 11:54:56

3 MR. LEE: You didn't -- excuse me. You 11:54:57

4 didn't in your question. So I think that's a little 11:54:57

5 confusing. I'm just trying to speed this along. 11:54:59

6 But the other thing is you asked her this 11:55:02

7 exact question three or four times already. So I'm 11:55:05

8 a little bit at a loss of what we're doing. I think 11:55:08

9 that's why the witness is confused. 11:55:11

10 MR. MATEEN: Okay. Well, let me reask or 11:55:14

11 let me re- -- rephrase. 11:55:15

12 BY MR. MATEEN: 11:55:17

13 Q. Ms. Harvey, would it be memorable if you 11:55:18

14 were thinking about suing a company? 11:55:21

15 MR. LEE: Objection. Vague. 11:55:26

16 BY MR. MATEEN: 11:55:27

17 Q. You can answer. 11:55:28

18 A. If I recalled it, it would be memorable. 11:55:33

19 Q. Okay. I think I just need -- I'm going to 11:55:51

20 introduce a new exhibit. 11:55:52

21 MR. LEE: He's going to introduce a new 11:56:02

22 exhibit now. 11:56:03

23 Just so you know, Mr. Mateen, it's a 11:56:05

24 little hard -- your audio is a little rough on our 11:56:07

25 side on the -- on the enunciation, I think. 11:56:10

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1 Ms. Harvey is having a little bit of a hard time 11:56:13
2 understanding some of your -- some of your comments. 11:56:17
3 MR. MATEEN: Thank you for letting me 11:56:19
4 know. I'm having a similar thing on your end. I'll 11:56:19
5 try to get some -- during lunch break, I'll try to 11:56:22
6 get some type of -- 11:56:24
7 MR. LEE: Okay. And are you -- are you 11:56:25
8 unable to hear me or Ms. Harvey or both? 11:56:25
9 MR. MATEEN: Both. Now when you move 11:56:32
10 closer to the computer, that's -- 11:56:32
11 MR. LEE: Okay. You know what? Let me 11:56:33
12 move the mic. I think the mic is maybe too far 11:56:34
13 away. 11:56:38
14 We've moved the mic closer. 11:56:46
15 MR. MATEEN: That's definitely a lot 11:56:49
16 better, at least on your end. 11:56:50
17 MR. LEE: Okay. Good. 11:56:51
18 And then -- and then on your side, just if 11:56:51
19 you could slow down. Sometimes you trail off at the 11:56:52
20 end of questions, and it's, I think, hard for 11:56:56
21 Ms. Harvey to hear. So I can hear them, so I'm 11:56:58
22 repeating what you're saying to her at certain 11:57:02
23 points. But I think it's better for the record if I 11:57:04
24 just let you know that, and you -- you just maybe 11:57:06
25 slow down and speak up a little at the end. 11:57:09

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1 MR. MATEEN: Absolutely. 11:57:13

2 BY MR. MATEEN: 11:57:15

3 Q. So I have just -- or not I have not 11:57:15

4 just -- I am -- I have just introduced an exhibit 11:57:17

5 that's marked as Exhibit 9. 11:57:28

6 (Whereupon Exhibit 9 was marked for 11:57:29

7 identification.) 11:57:29

8 BY MR. MATEEN: 11:57:42

9 Q. Ms. Harvey, you let me know when you've 11:57:43

10 taken a look at it. 11:57:46

11 MR. LEE: Take your time. It's long. 11:57:53

12 THE WITNESS: Okay. 11:57:55

13 (Witness reviewing document.) 11:57:55

14 BY MR. MATEEN: 11:57:56

15 Q. And just to be clear, I'm only focused 11:58:39

16 here on Request for Admission Number 25 which is on 11:58:42

17 page 2 of the document. You're free to look at the 11:58:46

18 document, the full document, if you'd like, but 11:58:48

19 we'll only be discussing 25. 11:58:54

20 MR. LEE: If that's the only request for 11:58:55

21 this exhibit, then I think it makes sense for her to 11:58:57

22 just read that one. Is that what you're saying, 11:59:00

23 Mr. Mateen? 11:59:02

24 MR. MATEEN: Yes. 11:59:03

25 MR. LEE: Okay. Do you see Request Number 11:59:03

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1 25? 11:59:04

2 THE WITNESS: Okay. 11:59:17

3 BY MR. MATEEN: 11:59:18

4 Q. So you admitted here that you completed a 11:59:19

5 pre-suit investigation substantiating each of the 11:59:25

6 averments made in the third amended complaint. 11:59:30

7 Can you describe your pre-suit 11:59:30

8 investigation to me? 11:59:30

9 MR. LEE: So, again, I just want to 11:59:31

10 caution you. You can say that you had discussions 11:59:35

11 with your lawyers, but I don't want you to get into 11:59:38

12 the specifics. 11:59:40

13 THE WITNESS: Yes, I talked to my 11:59:41

14 attorneys. 11:59:42

15 BY MR. MATEEN: 11:59:43

16 Q. Other than talking to your attorneys, did 11:59:46

17 you take any other investigation? 11:59:49

18 A. This is -- I talked to my attorneys. I 11:59:51

19 looked at my account, but I talked to my attorneys. 11:59:54

20 Q. Can you describe to me what you did when 11:59:59

21 you looked at your account? 12:00:01

22 A. I looked at all my settings and looked at 12:00:02

23 the account to see if there was anything that was 12:00:06

24 off to me. 12:00:09

25 Q. What settings did you look at in your 12:00:20

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1 account? 12:00:25

2 A. The entire account. Then I talked to my 12:00:25

3 attorneys. 12:00:27

4 Q. You mentioned that you looked in your 12:00:37

5 account for anything that could have been off for 12:00:39

6 you. 12:00:42

7 What is something that you think might 12:00:43

8 have been off for you? 12:00:45

9 A. Well, I just -- I looked at the account, 12:00:49

10 all of the privacy settings. Made sure everything 12:00:51

11 was the way I set it prior. And then I talked to 12:00:55

12 the attorneys. 12:00:58

13 Q. Did you contact Google at any point 12:01:02

14 because -- as part of your investigation of this 12:01:09

15 lawsuit? 12:01:13

16 A. Of this one, no. 12:01:14

17 Q. Okay. We can put this exhibit down. 12:01:32

18 Ms. Harvey, you've alleged that Google is 12:01:39

19 improperly collecting your data data through a 12:01:43

20 service called Google Analytics for Firebase? 12:01:45

21 A. Uh-huh. 12:01:48

22 Q. Do you know what Google Analytics for 12:01:49

23 Firebase is? 12:01:52

24 A. That is what compiles all the information 12:01:53

25 to the developers. 12:01:57

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1 Q. And what -- when you say it compiles all 12:02:19
2 the information, what is "all the information" that 12:02:22
3 you're talking about? 12:02:23
4 A. How many visits you make to Web sites. It 12:02:25
5 helps the developers so they can monetize on their 12:02:28
6 apps. 12:02:33
7 Q. Is there any other information besides how 12:02:35
8 many visits? 12:02:39
9 A. I'm sure there's plenty of information. I 12:02:40
10 don't know all the different details because I'm not 12:02:43
11 a developer. 12:02:45
12 Q. Ms. Harvey, do you know -- do you have any 12:02:50
13 reason to believe that there's any other information 12:02:55
14 other than how many visits? 12:02:58
15 A. Yes. 12:03:00
16 Q. And do you have any examples of what that 12:03:02
17 information would be? Not all, but any? 12:03:04
18 A. If I was a developer I would. 12:03:06
19 Q. You just told me that you had reason to 12:03:19
20 believe, though, that there was information other 12:03:21
21 than how many visits. 12:03:23
22 So can you give me at least -- or just one 12:03:27
23 example of something other than how many visits? 12:03:30
24 A. All I can say is basically -- I'm not 12:03:33
25 expert, but I do know that it shows when you click 12:03:35

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1 on pages, the traffics to those pages, and it helps 12:03:38
2 the developers monetize their app. 12:03:41
3 Q. When did you first learn about 12:03:57
4 Google Analytics for Firebase? 12:03:59
5 A. I've heard about it for a while. I can't 12:04:01
6 tell you exactly how long, but it was before this -- 12:04:03
7 the case. 12:04:06
8 Q. Where would you have heard about it? 12:04:08
9 A. I just saw it if there's things in the 12:04:11
10 news about it. Saw the name. I didn't know exactly 12:04:14
11 what it was for, but I know that it's -- because 12:04:18
12 it's not a consumer-facing thing; it's a 12:04:20
13 developer-facing thing. 12:04:23
14 Q. What sort of things in the news had you 12:04:25
15 seen about it? 12:04:26
16 A. I can't tell you exactly, but I -- I've 12:04:28
17 heard about it before. It helps the developers. 12:04:31
18 Q. So what do you believe happens to 12:04:55
19 information on how many visits you've made? Strike 12:04:58
20 that, actually. 12:05:22
21 (Reporter request for clarification.) 12:05:24
22 MR. MATEEN: I said, "Strike that." I'm 12:05:24
23 going to reword. 12:05:24
24 BY MR. MATEEN: 12:05:25
25 Q. What do you believe happens to information 12:05:43

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1	that Google collects for Google Analytics for	12:05:46
2	Firebase?	12:05:48
3	MR. LEE: WAA on or off?	12:05:50
4	BY MR. MATEEN:	12:05:53
5	Q. Ms. Harvey, you can answer.	12:05:54
6	MR. LEE: Then I object as vague.	12:05:55
7	But if you can answer --	12:05:57
8	THE WITNESS: With WAA on or off? Because	12:05:59
9	it shouldn't be collecting anything if it's off,	12:06:01
10	right?	12:06:04
11	BY MR. MATEEN:	12:06:04
12	Q. Okay. So with WAA on, what do you think	12:06:05
13	Google is collecting through Google Analytics for	12:06:09
14	Firebase?	12:06:12
15	A. Okay. When the Web & App Activity is	12:06:14
16	on -- and I'm referring to the privacy -- the	12:06:15
17	Web & App Activity controls --	12:06:18
18	MR. LEE: It's the WAA disclosure, just so	12:06:20
19	we all use the same terminology.	12:06:21
20	THE WITNESS: -- searches and other things	12:06:22
21	that you do on Google products and services, like	12:06:24
22	Maps and Play, your location, language, IP	12:06:27
23	addresses --	12:06:31
24	MR. LEE: Slow down.	12:06:31
25	THE WITNESS: -- refer, and whether you	12:06:32

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1 use a browser or an app, information on your device, 12:06:34
2 like recent apps or contact names you searched for, 12:06:37
3 when Web & App Activity is on, you can include 12:06:41
4 additional activity like sites and apps that partner 12:06:47
5 with Google to show ads, sites and apps that use 12:06:50
6 Google services, including data that apps share with 12:06:54
7 Google on your Chrome browser history. That 12:06:57
8 shouldn't be done if it's turned off. 12:07:01
9 BY MR. MATEEN: 12:07:05
10 Q. So when it is turned off, what is it that 12:07:06
11 Google is collecting for Google Analytics for 12:07:09
12 Firebase? 12:07:13
13 A. Everything that it is collecting when it 12:07:14
14 is on. The button's broken. 12:07:15
15 Q. And how is Google using that information 12:07:25
16 once it collects it? 12:07:27
17 MR. LEE: Calls for speculation. Calls 12:07:29
18 for expert opinion. 12:07:29
19 BY MR. MATEEN: 12:07:33
20 Q. You can answer. 12:07:34
21 A. I think you should ask Google that. 12:07:35
22 Q. So a couple of documents we reviewed 12:08:00
23 earlier have the e-mail address of 12:08:02
24 [REDACTED]@gmail.com. 12:08:05
25 That's one of your e-mail addresses, 12:08:10

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1 right? 12:08:12

2 A. Yes, sir. 12:08:12

3 Q. Do you have any other e-mails? 12:08:13

4 A. [REDACTED]@gmail. [REDACTED]@gmail. 12:08:14

5 Q. Do you have any other Gmail accounts? 12:08:21

6 A. Not that I can get into. I'm locked out 12:08:23

7 of all of them. These are the only three I can get 12:08:27

8 into. 12:08:30

9 Q. What are the Gmail accounts you're locked 12:08:31

10 out of? 12:08:34

11 A. [REDACTED]. That's all I can really 12:08:36

12 recall. I don't recall the other names. I haven't 12:08:49

13 used them in years. 12:08:52

14 Q. So you listed [REDACTED], [REDACTED], and 12:08:59

15 [REDACTED]? 12:09:04

16 A. Yes. 12:09:06

17 Q. Do you use all three accounts currently? 12:09:07

18 A. They're on the device, but I use my main 12:09:09

19 account. The only reason the other ones are there 12:09:12

20 is if I have to get information that was on them 12:09:15

21 because they're old accounts. 12:09:17

22 Q. Which one is your main account? 12:09:22

23 A. [REDACTED]. 12:09:25

24 Q. When did you make [REDACTED]? 12:09:34

25 A. August 24, 2018, I want to say. 12:09:39

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1 Q. And why did you make it in August 24 -- 12:09:42

2 A. That's when I -- 12:09:45

3 Q. -- 2018? 12:09:46

4 MR. LEE: Let him finish. 12:09:47

5 THE WITNESS: Sorry. 12:09:48

6 That's -- Galaxy 9, that's when I got the 12:09:50

7 new phone. 12:09:55

8 BY MR. MATEEN: 12:09:56

9 Q. Why didn't you use your prior Gmail 12:09:56

10 accounts with your new phone? 12:09:59

11 A. I wanted a clean account. 12:10:01

12 Q. Why did you want a clean account? 12:10:04

13 A. Because of the prior issues that had 12:10:06

14 happened. 12:10:08

15 Q. Can you specify which prior issues you're 12:10:11

16 referring to? 12:10:18

17 A. All of the prior issues the acts that had 12:10:20

18 all the charges. 12:10:23

19 Q. [REDACTED] is the account that has all the 12:10:26

20 charges? 12:10:29

21 A. Yes. 12:10:29

22 Q. And what about [REDACTED]? Why didn't 12:10:31

23 you use that one? 12:10:34

24 A. I wanted a new, fresh account. It was a 12:10:35

25 brand-new phone nobody had used. I wanted a new, 12:10:40

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1 fresh account. 12:10:43

2 Q. All three accounts are logged in on your 12:10:47

3 smartphone right now? 12:10:50

4 A. Yes, they are. 12:10:51

5 Q. Do you ever switch between these accounts? 12:10:55

6 MR. LEE: Asked and answered. 12:10:58

7 Go ahead. 12:10:59

8 THE WITNESS: If I see an e-mail that 12:11:01

9 comes in on the account, of course I'm going to look 12:11:02

10 at it. 12:11:05

11 BY MR. MATEEN: 12:11:05

12 Q. Other than for e-mail, do you switch 12:11:07

13 between the accounts? 12:11:10

14 A. I don't understand really what you mean. 12:11:12

15 Am I using the accounts? Have I ever used them? 12:11:14

16 Yes, I've used the account. But my main account, 12:11:19

17 the one that is -- the one that I use daily is 12:11:22

18 [REDACTED]. 12:11:25

19 Q. Do you have e-mail services other than 12:11:31

20 Gmail? 12:11:34

21 A. I used to. 12:11:35

22 Q. What are those e-mails? 12:11:36

23 A. [REDACTED]@ymail and [REDACTED]@yahoo. 12:11:38

24 And I cannot access those accounts, they have 12:11:43

25 charges on them too. 12:11:49

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1 Q. What do you mean when you say, "They have 12:11:54
2 charges on them too"? 12:11:57

3 A. Some of the charges listed in Google were 12:11:58
4 also listed on the Google account -- or on the Yahoo 12:12:00
5 accounts. 12:12:03

6 Q. Ms. Harvey, I'm sorry. I think -- I'm 12:12:06
7 just not understanding what you mean when you're 12:12:07
8 saying that they were listed on the Yahoo account. 12:12:08
9 Is there a way for you to rephrase that? 12:12:11

10 A. Not really. There were charges that were 12:12:16
11 unauthorized to those accounts, too, that link to 12:12:19
12 the Gmail account. I had no way to understand what 12:12:22
13 was going on or what -- how it was happening. 12:12:26
14 But the main account was Gmail account, 12:12:29
15 and those other charges came from the other 12:12:31
16 accounts. Google stated because it was a linked 12:12:33
17 account, but the accounts weren't linked. 12:12:36

18 Q. To clarify something you said earlier -- 12:12:58
19 and correct me if I'm wrong -- is part of the reason 12:13:00
20 why you created the [REDACTED] account because the 12:13:07
21 unauthorized charges were on the [REDACTED] account? 12:13:14

22 A. That is true. 12:13:18

23 Q. Did you feel that that account wasn't safe 12:13:20
24 to use? 12:13:23

25 A. Google promised me it was. But I wanted a 12:13:24

1 new, fresh account on the new device. The only 12:13:28
2 reason it's on my device now is because I needed 12:13:31
3 documents out of that account. 12:13:38
4 Q. So would you say you didn't feel safe 12:13:39
5 using that account? 12:13:42
6 A. Well, I -- I had things happen with it. 12:13:42
7 Q. And did you think that the things that 12:13:48
8 happened on your account were because of that 12:13:52
9 individual e-mail address? 12:13:56
10 MR. LEE: Hold on. You -- you cut out. 12:13:59
11 Can you reask the question? On our side, we 12:14:00
12 couldn't hear you. 12:14:03
13 MR. MATEEN: Yeah, I can reask the 12:14:04
14 question. Thank you. 12:14:05
15 BY MR. MATEEN: 12:14:32
16 Q. Did you believe that the unauthorized 12:14:32
17 transactions would stop if you made a new Gmail 12:14:34
18 account? 12:14:39
19 A. That's not why I made the new account. I 12:14:40
20 made it because I wanted a clean account for a 12:14:42
21 brand-new device. 12:14:46
22 Q. Okay. Thank you. 12:14:47
23 If there were unauthorized transactions on 12:14:56
24 a Gmail account, why did you make a new Gmail 12:14:58
25 account? 12:15:01

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1	A. Excuse me?	12:15:03
2	Q. I guess I'm just curious. If there are	12:15:05
3	these unauthorized transactions that were happening	12:15:08
4	through a Gmail account and there were concerns	12:15:11
5	about that actual account, why did you choose Gmail	12:15:16
6	as the new service to make your new e-mail address?	12:15:19
7	A. Because it's what you use with Android.	12:15:23
8	Q. Did you ever consider making a non-Gmail	12:15:37
9	account?	12:15:40
10	A. I've had other non-Gmail accounts. I use	12:15:42
11	Gmail. It's what I use. It goes with the Android	12:15:48
12	device.	12:15:51
13	Q. Are you concerned that the unauthorized	12:16:46
14	transactions could occur again because you continue	12:16:48
15	to use a Gmail account?	12:16:51
16	A. I think I've stated that whole issue from	12:16:54
17	before is resolved. Google told me that there were	12:16:56
18	no issues with my account.	12:16:58
19	I have a new one. How would that link	12:17:00
20	back? Unless somebody was sharing the information.	12:17:03
21	MR. MATEEN: I think it's a good spot to	12:17:13
22	break for lunch. Is that all right with you, James?	12:17:15
23	MR. LEE: Sure. Our food's not quite here	12:17:18
24	yet, so I don't know -- let's go off the record and	12:17:21
25	discuss.	12:17:23

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1 THE VIDEO OPERATOR: Going off the record. 12:17:24

2 The time is 12:17 p.m. 12:17:25

3 (Whereupon the luncheon recess was taken 01:21:12

4 at 12:17 p.m.) 01:21:12

5 --o0o-- 01:21:12

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1	OCTOBER 27, 2022	AFTERNOON SESSION	1:21 P.M.	01:21:12
2		--oOo.		01:21:13
3	THE VIDEO OPERATOR:	Back on the record.		01:21:07
4	The time is 1:21 p.m.			01:21:08
5	MR. MATEEN:	Sean, could you give -- could		01:21:15
6	you give us the time that we have on record so far?			01:21:17
7	THE VIDEO OPERATOR:	Two hours and 47		01:21:21
8	minutes.			01:21:23
9	MR. MATEEN:	Thank you.		01:21:24
10	BY MR. MATEEN:			01:21:25
11	Q.	Ms. Harvey, what is Web & App Activity?		01:21:28
12	A.	Everything that I do on my apps and my --		01:21:30
13	and on the Web.			01:21:32
14	Q.	And is there anything you do on your apps		01:21:53
15	on the Web that's not part of Web & App Activity?			01:21:55
16	MR. LEE:	Objection to form. Calls for		01:22:00
17	expert opinion.			01:22:02
18	Answer if you can.			01:22:04
19	THE WITNESS:	I don't think I can. I know		01:22:05
20	that's what I'm doing on the apps and on the Web.			01:22:07
21	BY MR. MATEEN:			01:22:10
22	Q.	Do you have Web & App Activity turned on		01:22:16
23	for the Google account, [REDACTED]@gmail.com?			01:22:18
24	A.	No, I do not.		01:22:28
25	Q.	Do you have it turned on for		01:22:29

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1 [REDACTED]@gmail.com? 01:22:31

2 A. I noticed yesterday that 01:22:34

3 Web & App Activity is on, but I did not turn it on. 01:22:36

4 I don't know how it's on. We haven't switched it 01:22:40

5 back. 01:22:44

6 Q. How did you notice it yesterday? 01:22:49

7 A. I went in and looked. 01:22:52

8 Q. Why did you check the Web & App Activity 01:22:54

9 status for [REDACTED]? 01:22:56

10 A. I checked it for all my accounts. 01:22:58

11 Q. And was Web & App Activity on for any 01:23:02

12 other accounts? 01:23:04

13 A. No. 01:23:05

14 Q. Have you ever had Web & App Activity on -- 01:23:15

15 A. No. 01:23:18

16 MR. LEE: Let him finish. 01:23:23

17 Were you done? 01:23:24

18 MR. MATEEN: No, I wasn't. 01:23:25

19 MR. LEE: Sorry. 01:23:25

20 BY MR. MATEEN: 01:23:25

21 Q. Have you ever had Web & App Activity on 01:23:25

22 for your [REDACTED]@gmail.com account? 01:23:29

23 A. Not that I'm aware of. 01:23:37

24 Q. Have you ever had it on for your 01:23:38

25 [REDACTED]@gmail.com before yesterday? 01:23:40

1 A. Not that I purposely went in and turned it 01:23:46
2 on. I don't recall it being on. As soon as I knew 01:23:49
3 about the option, I turned it off. 01:23:52
4 Q. Why did you check your Web & App Activity 01:23:55
5 status on all your accounts yesterday? 01:23:57
6 A. Just to verify they were still the same 01:23:59
7 status they were. 01:24:03
8 Q. Did you have a reason to believe that they 01:24:04
9 wouldn't be the same status that they were? 01:24:06
10 A. No. 01:24:09
11 Q. Then why did you want to verify that they 01:24:12
12 were the same status as they were? 01:24:14
13 A. I was looking at my account settings. I 01:24:16
14 just wanted to verify. And it was on. The other 01:24:18
15 options were all you off, but that one was turned on 01:24:21
16 somehow. 01:24:26
17 Q. Did any other person have access to your 01:24:38
18 [REDACTED]@gmail.com account? 01:24:40
19 A. Not that I'm aware of. Nobody has the 01:24:45
20 password. 01:24:49
21 Q. Did you turn on Web & App Activity for 01:24:56
22 your [REDACTED]@gmail.com? 01:25:00
23 A. No, I did not. 01:25:04
24 Q. Do you think that some other person turned 01:25:05
25 on Web & App Activity for [REDACTED]@gmail account? 01:25:07

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1 A. As I stated, I have no idea how -- how or 01:25:13
2 why it got turned on because I leave mine off. 01:25:15
3 Q. Other than for your [REDACTED]@gmail.com, 01:25:47
4 which you discovered yesterday, have you ever had 01:25:52
5 Web & App Activity on for any of your Gmail 01:25:54
6 accounts? 01:25:57
7 A. Not that I'm aware of. 01:25:58
8 Q. In August 2018, when you bought your 01:26:14
9 Samsung Galaxy phone -- 01:26:17
10 A. Uh-huh. 01:26:25
11 Q. -- did you turn Web & App Activity off as 01:26:27
12 you were setting up your account? 01:26:29
13 A. I thought I had, yes. 01:26:31
14 Q. Have you heard the term "supplemental 01:26:42
15 Web & App Activity"? 01:26:45
16 A. No. 01:26:46
17 Q. How about sWAA? 01:26:49
18 A. SWAA? 01:26:50
19 Q. S-W-A-A? 01:26:52
20 A. No, I don't know what that is. 01:26:53
21 Q. I'm going to introduce a new exhibit. 01:26:57
22 (Whereupon Exhibit 10 was marked for 01:27:07
23 identification.) 01:27:07
24 BY MR. MATEEN: 01:27:07
25 Q. I've just introduced a new exhibit marked 01:27:53

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1 as Exhibit 10. Ms. Harvey, just let me know when 01:27:56
2 you've looked over it. 01:28:00
3 (Witness reviewing document.) 01:28:04
4 THE WITNESS: Okay. 01:28:41
5 BY MR. MATEEN: 01:28:41
6 Q. So on the first page there's a heading 01:28:43
7 that says "subsettings." And underneath that, 01:28:48
8 there's a box that says "Include Chrome history and 01:28:51
9 activity from sites, apps, and devices that use 01:28:54
10 Google services." 01:28:58
11 Do you know what that check box does? 01:28:59
12 A. Well, as I'm looking, this looks like the 01:29:02
13 one that as soon as I turn the Web & App Activity 01:29:06
14 off, those bottom boxes gray out, and I can't do 01:29:08
15 anything with them. So I would take it that they 01:29:12
16 wouldn't be recorded because the turn-off button 01:29:16
17 shut them off. 01:29:18
18 Q. Let's go down to page 2. 01:29:26
19 A. Okay. 01:29:28
20 Q. Do you know what your -- actually, if you 01:29:38
21 want, you can take a second to read this box for 01:29:40
22 YouTube history. 01:29:44
23 MR. LEE: You can take more than one 01:29:54
24 second. 01:29:56
25 (Witness reviewing document.) 01:29:58

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1 THE WITNESS: Okay. 01:30:01

2 BY MR. MATEEN: 01:30:02

3 Q. Do you know what your YouTube history 01:30:04

4 setting is for your Google accounts? 01:30:06

5 A. Off. 01:30:09

6 Q. Do you know if you've ever had YouTube 01:30:11

7 history on for any of your Google accounts? 01:30:14

8 A. I believe probably for the [REDACTED] 01:30:16

9 originally. But everything else I turn off. 01:30:19

10 Q. And why would it probably be for [REDACTED] 01:30:24

11 originally? 01:30:28

12 A. Because that's oldest account. It goes 01:30:30

13 back to 2010. 01:30:32

14 Q. And why would your oldest account have had 01:30:34

15 it on? 01:30:37

16 A. Because it wasn't an option at the time as 01:30:39

17 far as I knew. 01:30:40

18 Q. Below "YouTube History," there's a box 01:30:48

19 that says "Ad Personalization." 01:30:50

20 Do you see that? 01:30:52

21 A. Let me get down there. This is YouTube 01:30:53

22 history, that box. Okay. Hold on. 01:30:57

23 Yes, I see "Ad Personalization." 01:31:01

24 Q. Do you know what this box does? 01:31:05

25 A. It -- if I turn it off, it tells Google 01:31:08

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1 not to send me personalized ads. 01:31:11

2 Q. Do you have it on or off -- 01:31:18

3 A. It's off. 01:31:20

4 Q. -- on your accounts? 01:31:21

5 A. Off. 01:31:22

6 Q. So just as we go forward, this box on 01:31:28

7 page 1 that says "Subsettings" underneath 01:31:33

8 "Web & App Activity," we're going to refer to that 01:31:35

9 as SWAA. 01:31:42

10 Is that all right? 01:31:43

11 MR. LEE: SWAA meaning S-W-A-A. 01:31:44

12 THE WITNESS: You have to -- you might 01:31:47

13 have to help me with that. 01:31:47

14 MR. LEE: Yeah. 01:31:50

15 THE WITNESS: But okay. 01:31:50

16 MR. LEE: And if it's okay with you, 01:31:50

17 Mr. Mateen, if she gets confused about your 01:31:55

18 reference to SWAA, I might try to gently remind her. 01:31:59

19 MR. MATEEN: That's okay. There's a lot 01:32:04

20 of acronyms. 01:32:07

21 MR. LEE: Okay. 01:32:08

22 BY MR. MATEEN: 01:32:11

23 Q. So at least for now, then, this 01:32:11

24 "Subsettings" box, this big box, and the text that 01:32:13

25 says "Web & App Activity," we'll refer to that as 01:32:17

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1 WAA. 01:32:21

2 The little box below, underneath 01:32:21

3 "Subsettings," we'll refer to that as sWAA. 01:32:23

4 A. Okay. 01:32:27

5 MR. LEE: These two. 01:32:28

6 THE WITNESS: Okay. 01:32:28

7 BY MR. MATEEN: 01:32:30

8 Q. And then on page 2, the "Ads 01:32:31

9 Personalization" box, we'll refer to that as GAP, 01:32:35

10 Google Ads Personalization. 01:32:40

11 A. Okay. 01:32:42

12 Q. Have you ever actively made any changes to 01:32:58

13 your WAA settings? 01:33:00

14 A. Turned them off so it couldn't be 01:33:03

15 collected. 01:33:07

16 Q. Do you know when you turned them off? 01:33:10

17 A. As soon as the option came out for -- 01:33:12

18 well, basically, the history of [REDACTED] is when I 01:33:14

19 first turned it off is when I first saw the setting. 01:33:20

20 Q. And when you made those changes to your 01:33:30

21 WAA settings, do you remember if you made those 01:33:33

22 changes also to your GAP settings? 01:33:35

23 A. Ad personalization? Yes, I've turned my 01:33:41

24 Ad personalization off all along because I did not 01:33:44

25 want personalized ads. 01:33:46

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1 Q. And why don't you want personalized ads? 01:33:48

2 A. Because I can look for something if I want 01:33:51

3 it. I don't need anybody to suggest to me what I 01:33:53

4 want. 01:33:57

5 Excuse me. 01:34:21

6 Q. Do you have a problem with ads generally? 01:34:21

7 MR. LEE: Objection. Vague. 01:34:24

8 MR. MATEEN: Okay. I can rephrase. 01:34:30

9 BY MR. MATEEN: 01:34:32

10 Q. Do you have a problem with personalized 01:34:36

11 ads? 01:34:38

12 A. Yes. That's why I turn them off. 01:34:39

13 Q. Do you have a problem with personalized 01:34:45

14 ads other than you can find what you need yourself? 01:34:47

15 A. Well, if I have Web & App Activity turned 01:34:55

16 off, then -- and I have ad personalization turned 01:34:57

17 off, then that must mean I don't want that, and 01:35:01

18 that's my problem. Nobody should be looking and 01:35:05

19 deciding what I want to send me an ad that I didn't 01:35:08

20 ask them to pick one out in the first place. 01:35:12

21 Q. And is the problem with you that they're 01:35:16

22 inappropriate? 01:35:18

23 A. I do not like them. I would like to look 01:35:19

24 myself. 01:35:21

25 Q. What about them do you not like? 01:35:27

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1	A. I don't want anybody looking at my	01:35:30
2	information to tell me what I want.	01:35:33
3	Q. And do you have a problem with ads	01:35:38
4	generally?	01:35:40
5	MR. LEE: Objection. Vague.	01:35:43
6	Answer if you can.	01:35:45
7	THE WITNESS: Basically, I've turned it	01:35:46
8	off so I want to look myself. And if an ad comes up	01:35:48
9	that goes with something I'm searching for, then	01:35:52
10	I've searched for that. And it's -- it's coming up	01:35:56
11	because I searched for one certain thing, not	01:36:01
12	because something sent that to me because I	01:36:04
13	looked -- searched for something. It's like a	01:36:06
14	general search.	01:36:09
15	BY MR. MATEEN:	01:36:10
16	Q. But to be clear, you don't have a problem	01:36:12
17	if you see an advertisement on television, right?	01:36:14
18	A. That's a little bit different.	01:36:18
19	Q. Now, let's say if a Fresno pizza shop	01:36:24
20	advertises in The Fresno Bee, would you have a	01:36:29
21	problem with that?	01:36:34
22	A. That's ads for that area that somebody's	01:36:34
23	put in the newspaper, not to one specific person to	01:36:36
24	their personal device when they've asked them not to	01:36:40
25	do it.	01:36:43

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1 Q. And why is that different? 01:36:45

2 A. Why is that different? Because it's my 01:36:47

3 personal device, and I asked it not to be done on my 01:36:50

4 personal device. 01:36:53

5 Q. Have you seen targeted ads on your 01:36:59

6 personal device? 01:37:01

7 A. I believe I have, yes. 01:37:03

8 Q. Do you remember the ads? 01:37:07

9 A. Some of them are cancer ads when my mom 01:37:11

10 had cancer. 01:37:14

11 Q. And when was that? 01:37:15

12 A. '17. 01:37:17

13 Q. Okay. So you said earlier that you didn't 01:37:19

14 have a problem with TV ads or -- actually, strike 01:37:23

15 that. Let me find out exactly what you said. 01:37:26

16 So you said earlier that it's a little bit 01:37:33

17 different when you see an advertisement on 01:37:35

18 television. 01:37:40

19 Why would that be a little bit different? 01:37:41

20 MR. LEE: Asked and answered. 01:37:44

21 Go ahead. 01:37:45

22 THE WITNESS: I -- I think what you asked 01:37:45

23 was if it was in the newspaper. 01:37:47

24 BY MR. MATEEN: 01:37:49

25 Q. I first asked about television, then I 01:37:49

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1 asked about newspaper. So I'm just following up on 01:37:51
2 the television question. 01:37:54
3 A. Okay. Well, that can go to anybody. 01:37:55
4 That's not -- it goes to many persons, not to a 01:37:56
5 single personal device where somebody's looked at 01:38:01
6 something and decided that's what I needed to look 01:38:03
7 at. 01:38:05
8 Q. Is it the content of the targeted ads that 01:38:23
9 bothers you? 01:38:26
10 A. Some subjects, yes. But they're -- it's 01:38:28
11 all in general because I asked for it not to be 01:38:30
12 done. 01:38:32
13 "No" means no. 01:38:33
14 Q. Ms. Harvey, do you still have Exhibit 10 01:38:55
15 open? 01:38:57
16 A. The last one, yes. 01:38:57
17 Q. Can you tell me what you believe to be the 01:39:01
18 difference between Web & App Activity and 01:39:03
19 ad personalization? 01:39:10
20 A. Not much. You're -- it's looking at my 01:39:12
21 Web and app activity to send me a personalized ad, 01:39:16
22 and I did not want that. 01:39:19
23 Q. Let's say that you have had -- strike 01:39:32
24 that. 01:39:36
25 Do you have an issue with Google looking 01:39:36

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1 at your web and app activity if it's not sending you 01:39:50
2 personalized ads? 01:39:53
3 A. Yes, I do. 01:39:55
4 Q. And why is that? 01:39:59
5 A. Is Web Activity on or is it off? If it's 01:40:02
6 off, nothing should be looked at, nothing should be 01:40:04
7 stored, nothing should be saved, nothing should be 01:40:07
8 used. I asked it not to be done. 01:40:11
9 Q. So if you turned Web & App Activity off 01:40:25
10 and that meant you would not receive a personalized 01:40:27
11 ad, is that what you want to see as a change in 01:40:31
12 Google's practices? 01:40:34
13 A. No. I want the button to actually do what 01:40:36
14 it says. And I have another button for ad 01:40:39
15 personalization, and I have it shut off. 01:40:42
16 Web & App Activity, none of them are working. Why 01:40:45
17 even have them? 01:40:52
18 Q. Besides the ads regarding cancer that you 01:40:59
19 referred to earlier, are there any other targeted 01:41:02
20 ads that you've received after turning the 01:41:05
21 Ads Personalization button off? 01:41:10
22 MR. LEE: Objection. Calls for 01:41:13
23 speculation. 01:41:13
24 Answer if you can. 01:41:14
25 THE WITNESS: I can't recall, but there 01:41:15

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1 are -- there have been numerous ones, and I get 01:41:16
2 upset when I see it. 01:41:22
3 BY MR. MATEEN: 01:41:28
4 Q. Ms. Harvey, if you look at the text 01:41:29
5 underneath "Web & App Activity," can you just read 01:41:30
6 the sentence to yourself? 01:41:35
7 MR. LEE: What are you referring to? 01:41:39
8 MR. MATEEN: "The saves your activities on 01:41:41
9 Google sites" underneath "Web & App Activity." 01:41:44
10 MR. LEE: Okay. Counsel, there's a "Learn 01:41:47
11 More" hyperlink, but I don't think she can press 01:41:49
12 that. So what should we do about that? 01:41:52
13 MR. MATEEN: I just mean the text, not the 01:41:53
14 "Learn More." 01:41:54
15 MR. LEE: Okay. 01:41:55
16 THE WITNESS: Okay. 01:42:01
17 BY MR. MATEEN: 01:42:02
18 Q. What do you read -- strike that. 01:42:08
19 What do you interpret "Saves your activity 01:42:13
20 on Google sites and apps" to mean? 01:42:16
21 A. Saving any activity, any information about 01:42:20
22 me that -- and to go further into that, I shouldn't 01:42:23
23 be getting personalized ads. It says it right on 01:42:27
24 it. 01:42:32
25 So I'm asking Google not to do that. It 01:42:32

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1 says I can control my information. If the button 01:42:35
2 doesn't work, I'm not controlling my information. 01:42:38
3 Q. At the top of the page, there's text that 01:42:49
4 says "Activity Controls," and underneath that text, 01:42:50
5 it says: "The data saved in your account helps give 01:42:53
6 you more personalized experiences across all Google 01:42:57
7 services." 01:43:00
8 What do you interpret "data saved in your 01:43:01
9 account" to mean? 01:43:05
10 A. The way I'm looking at it, if I've got 01:43:06
11 Web & App Activity turned off, it says it saves 01:43:09
12 nothing. Google does not get that information. 01:43:12
13 If it's on, of course it's going to do all 01:43:21
14 the stuff that it says it does here. But if it's 01:43:23
15 off, it shouldn't be doing any of it. 01:43:28
16 Q. Is there a significance to the phrase "in 01:43:30
17 your account" to you? 01:43:32
18 A. No, none at all. Because it's saved and 01:43:34
19 it's used and it's -- it's stored. It's done all 01:43:38
20 the things that it's telling me it's not going to 01:43:45
21 do. 01:43:47
22 Q. If you bought an Android phone and -- 01:43:48
23 strike that. 01:44:00
24 If the phrase "in your account" was not in 01:44:16
25 that first sentence, would it still mean the same 01:44:19

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1 thing to you? 01:44:21

2 A. Well, first of all, that's on the same 01:44:22

3 page. But it's not in the same box as 01:44:24

4 Web & App Activity. 01:44:27

5 "Web & App Activity turned off" tells me 01:44:29

6 nothing's going to be saved. 01:44:32

7 Q. Ms. Harvey, I -- I understand. I'm just 01:44:36

8 talking about this first sentence, though. I'm not 01:44:38

9 talking about Web & App Activity. 01:44:40

10 If this sentence says, "The data saved 01:44:48

11 helps give you more personalized experiences across 01:44:52

12 all Google services," does that read the same to you 01:44:55

13 as, "The data saved in your account helps give you 01:44:58

14 more personalized experience" -- 01:44:58

15 (Reporter request for clarification.) 01:44:59

16 MR. MATEEN: Yes. Sorry about that. 01:45:17

17 BY MR. MATEEN: 01:45:18

18 Q. So earlier I asked if there was a 01:45:30

19 significance to the phrasing -- to the phrase "in 01:45:32

20 your account," and you responded, "No, not at all 01:45:34

21 because it's saved and it's used." 01:45:44

22 So is it fair to say that if the phrase 01:45:49

23 "in your account" wasn't there, the sentence would 01:45:53

24 mean the same thing to you? 01:45:56

25 A. Well, you have to look at the whole thing 01:45:58

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1 broad because up above it says: "The data saved to 01:46:00
2 your account helps give you more personalized 01:46:04
3 experiences across all Google services. Choose 01:46:07
4 which settings will save data to your Google 01:46:11
5 account." And I said, "No." 01:46:14
6 So what does it matter what the second 01:46:15
7 line says because I hit "No"? "No" means no. 01:46:17
8 If I save something, that's my choice. If 01:46:22
9 Google is taking information from the account, it's 01:46:26
10 telling me it's not going to. 01:46:28
11 Q. I'm going to introduce a new exhibit. 01:46:52
12 (Whereupon Exhibit 11 was marked for 12:06:25
13 identification.) 12:06:25
14 BY MR. MATEEN: 01:46:53
15 Q. I've just introduced an exhibit and marked 01:47:47
16 it as Exhibit 11. For the record, this exhibit 01:47:49
17 comes from plaintiffs' productions, Bates Numbers 01:47:57
18 000788. 01:48:01
19 On page 3 is plaintiffs' productions, 01:48:09
20 Bates Numbers 0002085. 01:48:11
21 And on page 5 is plaintiffs' productions 01:48:17
22 0002275. 01:48:20
23 And I can state for the record that these 01:48:24
24 are three e-mails received to Ms. Harvey's three 01:48:26
25 different Gmail accounts. 01:48:31

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1 Let me know when you've reviewed. 01:48:34

2 A. Okay. 01:48:37

3 (Witness reviewing document.) 01:48:37

4 THE WITNESS: Yeah, I have reviewed them. 01:49:08

5 BY MR. MATEEN: 01:49:09

6 Q. Ms. Harvey, do you know what these e-mails 01:49:11

7 are? 01:49:12

8 A. Yes. This is to do with security check on 01:49:13

9 your account. They're trying to say let's check all 01:49:15

10 your settings. 01:49:18

11 Q. So the first e-mail on page 1 says: 01:49:26

12 "Welcome to Google on your new Windows." 01:49:27

13 Did you purchase a new Windows device 01:49:31

14 in -- 01:49:33

15 A. No. 01:49:33

16 Q. -- December 2021? 01:49:34

17 A. No. 01:49:35

18 Q. Did you sign in to a new device with your 01:49:43

19 Google account -- 01:49:48

20 A. No. 01:49:49

21 Q. -- in December 2021? 01:49:49

22 A. I don't believe that I did. Might I have? 01:49:50

23 I had some tablets or like -- yeah, tablets. But I 01:49:53

24 don't even think I used them. 01:49:58

25 Q. What tablets do you have? 01:50:02

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1	A.	Samsung Galaxy tablets.	01:50:04
2	Q.	Okay.	01:50:07
3	A.	All devices are Samsung.	01:50:09
4	Q.	Do you have any Microsoft devices?	01:50:11
5	A.	No, I do not.	01:50:13
6	Q.	Any Windows devices?	01:50:15
7	A.	Oh, I take that back. I have a computer	01:50:16
8		at home, but I do not use it. I've left it off	01:50:18
9		since all this started because I didn't want to take	01:50:23
10		a chance of something being deleted.	01:50:25
11	Q.	When did you purchase your Samsung	01:50:37
12		tablets?	01:50:39
13	A.	I didn't. It was one that my mother had	01:50:41
14		before she passed away that she didn't use.	01:50:43
15	Q.	When did your mother get that tablet?	01:50:47
16	A.	Couldn't even tell you. It was for	01:50:49
17		Christmas from my sister. Probably in '16.	01:50:51
18	Q.	And do you still use that tablet?	01:51:01
19	A.	No. The only -- sorry.	01:51:04
20	Q.	I'm sorry.	01:51:06
21		(Simultaneous colloquy.)	01:51:07
22		THE WITNESS: Same e-mail as my phone.	01:51:10
23		BY MR. MATEEN:	01:51:13
24	Q.	When was the last time you used that	01:51:13
25		tablet?	01:51:14

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1 A. Oh, gosh. As far as I can remember, it's 01:51:15
2 been over a year. I can't recall completely, but 01:51:21
3 it's been quite a while. I believe since before my 01:51:24
4 father sold his house. 01:51:30

5 Q. When did your father sell his house? 01:51:32

6 A. August of 2020. So it would have been 01:51:35
7 between '17 and 2020. I've used it for probably 01:51:36
8 10 minutes. I -- I did -- it wasn't something that 01:51:39
9 I used. I tried to, but I didn't. It was easier to 01:51:41
10 use my phone. 01:51:46

11 Q. The current phone that you're using, just 01:51:55
12 to jog my memory -- you might have already -- I 01:51:58
13 might have already asked you this -- how long have 01:52:00
14 you been using it? 01:52:02

15 A. I got this phone on July -- June, I want 01:52:04
16 to say 13th, this year. 01:52:07

17 Q. June 13 of this year. 01:52:10
18 What device were you using before you got 01:52:23
19 this new phone? 01:52:25

20 A. Okay. There was an A42 that my sister 01:52:31
21 tried to get to replace my phone. But we had 01:52:35
22 issues, so the phone had to be -- it went back. 01:52:38

23 Q. What is an A42? 01:52:43

24 A. Samsung. 01:52:45

25 Q. The Samsung. 01:52:46

1 And did you sign in to the A42 with your 01:52:48
2 Google accounts? 01:52:51
3 A. Yes, I did. Not all of them, but with the 01:52:52
4 [REDACTED] I did because I figured it was the phone I 01:52:55
5 was going to be using. My dad and I got two new 01:52:59
6 phones in June, and I don't have that phone any 01:53:03
7 longer. 01:53:05
8 Q. How long did you use that A42 phone before 01:53:06
9 June? 01:53:09
10 A. April. 01:53:10
11 Q. April. 01:53:11
12 And what were you using before April? 01:53:14
13 A. Samsung Galaxy 9 all the way back to '18. 01:53:17
14 August 24, 2018. 01:53:20
15 Q. Between August 2018 -- 01:53:28
16 A. Yeah. 01:53:29
17 Q. -- and April of this year, did you sign in 01:53:30
18 to any devices other than your Galaxy 9 with your 01:53:33
19 Google accounts? 01:53:36
20 A. Probably in the computer once or twice to 01:53:38
21 get documents out of it. But I didn't -- I don't 01:53:40
22 use the computer. I use my phone. 01:53:44
23 Q. What sort of computer do you use? 01:53:51
24 A. Lenovo All-in-One computer. It was my 01:53:54
25 parents'. And after they moved, my dad sent it with 01:54:00

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1 me because he knew I had a lot of documents on it. 01:54:04

2 Q. So could you remind me, why did you buy 01:54:10

3 your new phone in June 2022? 01:54:12

4 A. That was to do with some issues with my 01:54:19

5 dad and my sister. And my sister took my dad's 01:54:21

6 phone, so we wanted new accounts with a different 01:54:24

7 service provider. 01:54:26

8 Q. When you say "new accounts," what sort of 01:54:29

9 accounts do you mean? 01:54:31

10 A. We switched from Verizon to AT&T. 01:54:33

11 Q. Can you remind me what type of phone it is 01:54:47

12 again? 01:54:49

13 A. Which one? 01:54:50

14 Q. The current phone that you're using. 01:54:51

15 A. Galaxy 22. 01:54:53

16 Q. The Galaxy 22? 01:54:54

17 A. Yeah. It's the one with the pen. Just 01:54:56

18 like the S9 that we had prior. 01:55:02

19 Q. Why didn't you go with the S9 for your new 01:55:08

20 phone? 01:55:11

21 A. Because the new phone was out. The S9 -- 01:55:11

22 this is just like the S9, but it's a new version. 01:55:16

23 Q. Did you compare it to other phones before 01:55:23

24 purchasing? 01:55:25

25 A. We went into AT&T and picked this phone. 01:55:27

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1	There were three phones that were laying there.	01:55:31
2	This was the top-of-the-line phone. It's the one	01:55:33
3	that we got.	01:55:37
4	Q. What other phones did you look at? You	01:55:46
5	mentioned that there were three.	01:55:47
6	A. The newest phones that AT&T had, they had	01:55:50
7	a deal to where you could get all these phones. One	01:55:54
8	was free and there was the next one up. And this	01:55:58
9	was the top-of-the-line phone that they had that we	01:56:00
10	have to pay for every month.	01:56:04
11	Q. Do you remember what the free phone was?	01:56:07
12	A. I can't tell you what it was, but it	01:56:09
13	didn't have a pen. And we were used to the S9s that	01:56:11
14	do have pens. We got the exact phone that we had	01:56:15
15	but the newest model.	01:56:18
16	Q. Do you know which phone was the	01:56:21
17	middle-of-the-road one?	01:56:22
18	A. No. As I just stated, this was just the	01:56:24
19	top of the line. It's the one with the pen. That's	01:56:26
20	why we wanted it.	01:56:29
21	Q. How much was the middle-of-the-road phone?	01:56:30
22	A. Again, there was a charge for it, but I	01:56:33
23	don't recall exactly what it was. This one was	01:56:38
24	identical to the prior phone that we had. That's	01:56:38
25	why we chose it. Because my dad has problems	01:56:42

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1 understanding phones, and it's how I could explain 01:56:45
2 it to him. 01:56:47

3 Q. How much is the charge for the current 01:56:50
4 phone? 01:56:52

5 A. \$11 a month, and we had to turn in an old 01:56:53
6 phone. 01:56:57

7 Q. Do you know if there was a free iPhone as 01:57:11
8 an option? 01:57:14

9 A. I wouldn't have chose iPhone because I 01:57:15
10 don't understand iPhones. 01:57:17

11 As I stated, I chose this phone because it 01:57:19
12 was something that my dad was familiar with that I 01:57:21
13 knew it was identical to the prior phone we had. 01:57:24

14 Q. Ms. Harvey, I understand. You didn't 01:57:28
15 choose the iPhone. 01:57:29

16 But do you know if that was an option 01:57:30
17 being offered? 01:57:32

18 A. Yes, it was. 01:57:33

19 Q. And do you know if that was being offered 01:57:34
20 free? 01:57:36

21 A. I'm sure versions of it was. 01:57:38

22 But, like I stated, all we've ever had is 01:57:40
23 Samsung, and that's why we stayed with this phone. 01:57:43

24 Q. When purchasing your new phone, did you 01:58:35
25 consider the systematic violation of your privacy 01:58:38

1 that you say Google has been doing to you through 01:58:43
2 collection of data when Web & App Activity is off? 01:58:48
3 MR. LEE: Can you repeat that question? 01:58:52
4 MR. MATEEN: Yeah. 01:58:54
5 BY MR. MATEEN: 01:58:56
6 Q. When you were choosing your new phone, did 01:58:56
7 you consider the fact that Google, as you alleged, 01:58:59
8 has collected data when Web & App Activity is turned 01:59:08
9 off? 01:59:14
10 A. Let's be clear about this. 01:59:15
11 MR. LEE: Hold on. 01:59:18
12 Objection to form. Vague. 01:59:18
13 Go ahead. Answer if you can. 01:59:20
14 THE WITNESS: Let's be clear about this. 01:59:22
15 Android isn't the only thing that's being collected. 01:59:23
16 So is Apple. So what does it matter? Whichever 01:59:26
17 phone you get, they're going to take the information 01:59:30
18 regardless if you tell them no or not. If I shut it 01:59:33
19 off, it shouldn't be taken. 01:59:37
20 BY MR. MATEEN: 01:59:40
21 Q. Is the same true for Windows mobile? 01:59:45
22 (Reporter request for clarification.) 01:59:55
23 THE WITNESS: Can I answer now, please? 01:59:56
24 Yes, it's true for any account that has 01:59:58
25 the button that shuts it off. 02:00:01

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1 BY MR. MATEEN: 02:00:07

2 Q. I have an iPhone here. And on my iPhone, 02:00:08

3 there's a button that says "Ask not to track." 02:00:13

4 When I turn that off, is Apple still 02:00:18

5 collecting data on me? 02:00:23

6 MR. LEE: Wait, wait, wait. 02:00:24

7 Are you asking a hypothetical question 02:00:25

8 about what happens to your phone on a -- on a button 02:00:28

9 that has nothing to do with this case? I think 02:00:32

10 we're getting a little far afield here. 02:00:34

11 MR. MATEEN: Mr. Lee, Mr. Lee -- 02:00:37

12 Ms. Harvey said that Android isn't the only thing 02:00:38

13 that's being collected. So is Apple. 02:00:41

14 MR. LEE: I know, but now you're talking 02:00:44

15 about a different control than what's at issue in 02:00:48

16 this case. So try not to confuse the witness on 02:00:51

17 purpose, please. 02:00:53

18 Is this a do not track case or is this a 02:00:54

19 WAA case? 02:00:57

20 BY MR. MATEEN: 02:00:59

21 Q. Ms. Harvey, let me clarify. Let me get a 02:01:00

22 clarification from you. 02:01:02

23 A. Okay. 02:01:03

24 Q. When you were saying that it is being 02:01:03

25 tracked regardless of whether it's an Android phone 02:01:05

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1 or iPhone, what did you mean? 02:01:09

2 A. Exactly what I stated. If you have a 02:01:14

3 Web & App Activity button, you're clicking it on 02:01:17

4 Android, you're clicking it on Apple too. If the 02:01:19

5 button's on both devices, does the same thing. 02:01:22

6 Somebody asked you not to collect it, you don't 02:01:30

7 collect it. It's being collected. 02:01:33

8 Q. Did you consider creating an iCloud 02:01:41

9 account because of the fact that data is being 02:01:45

10 collected? 02:01:48

11 MR. LEE: Objection. Lack of foundation. 02:01:50

12 Calls for speculation. 02:01:51

13 THE WITNESS: Which iCloud account did I 02:01:56

14 make, though? 02:01:58

15 MR. LEE: I think it's a hypothetical. 02:01:59

16 THE WITNESS: Okay. 02:02:00

17 MR. LEE: I think you should ask it again. 02:02:02

18 I'm not sure she understood your question. 02:02:03

19 BY MR. MATEEN: 02:02:05

20 Q. Why do you think that there's a 02:02:08

21 Web & App Activity button on iPhones? 02:02:12

22 A. Well, it's on any Google account. So if 02:02:15

23 they're using a Google account on an iPhone, then 02:02:17

24 the button would be there. 02:02:20

25 Q. Would be there be a Web & App Activity on 02:02:23

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1 an iPhone if you weren't using a Google account on 02:02:26

2 an iPhone? 02:02:30

3 A. That's not at issue, I wouldn't think, 02:02:30

4 because we're talking about Google right now and an 02:02:32

5 option that they gave me that they didn't honor. 02:02:35

6 Q. Ms. Harvey, you have alleged that Google 02:03:32

7 systematically violates your privacy by collecting 02:03:34

8 activity information while Web & App Activity is 02:03:39

9 off, right? 02:03:41

10 A. Yes. 02:03:43

11 Q. On an Android phone, you've alleged that 02:03:49

12 if you turn your Web & App Activity off, your 02:03:53

13 information is still being collected, right? 02:03:57

14 A. Yes. 02:04:01

15 Q. If you -- if you were to have bought an 02:04:01

16 iPhone and you were to have logged in to a Google 02:04:06

17 account, you've alleged that Google would still be 02:04:12

18 collecting your information even if you had still 02:04:22

19 turned Web & App Activity off, right? 02:04:24

20 A. If it was signed in through Google 02:04:27

21 account, yes, because Google account setting. 02:04:29

22 Q. What if somebody did not sign in to a 02:04:33

23 Google account on an iPhone? Do you believe -- 02:04:35

24 A. I have. 02:04:37

25 MR. LEE: Objection. Improper 02:04:39

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1 hypothetical. Calls for speculation. Lack of 02:04:40
2 foundation. 02:04:41
3 BY MR. MATEEN: 02:04:42
4 Q. You can answer. 02:04:42
5 A. I have no clue. I don't have an iPhone. 02:04:43
6 I don't even know the settings in an iPhone. I know 02:04:45
7 the settings in my Google account, and I shut them 02:04:53
8 off. 02:04:56
9 Q. You allege that violation is happening 02:04:57
10 even today, right? 02:05:13
11 MR. LEE: Objection. Vague. 02:05:14
12 MR. MATEEN: I can reword. 02:05:15
13 BY MR. MATEEN: 02:05:17
14 Q. You allege that the violation of your 02:05:17
15 privacy from Google allegedly tracking your data 02:05:20
16 when Web & App Activity is off is still happening to 02:05:27
17 this date, right? 02:05:30
18 A. Yes. 02:05:32
19 Q. And you allege that violation is happening 02:05:36
20 every time you use your phone, right? 02:05:38
21 A. I don't know exactly when it's done, but I 02:05:41
22 would say yes. 02:05:43
23 Q. So in June when you were deciding which 02:05:45
24 phone to get, did you buy your phone believing that, 02:05:48
25 as you alleged, Google would violate your privacy? 02:05:52

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1	A. I bought my phone because it was the	02:05:56
2	familiar phone with my father that has dementia so	02:05:59
3	that it wouldn't be so hard to explain it to him. I	02:06:02
4	shut off all the options so nothing could be	02:06:07
5	tracked, and it was still tracked.	02:06:10

6 Q. But when you bought it, did you believe 02:06:15

7 it, as you allege -- strike that. 02:06:17

8	When you bought the phone, did you buy the	02:06:21
9	phone believing that Google would violate your	02:06:24
10	privacy?	02:06:27

11	A. I believe that Google will violate my	02:06:28
12	privacy with any device I have, but this is a phone	02:06:30
13	I had to buy to help my father.	02:06:33

14	Q. To clarify, you believe that your privacy	02:06:38
15	would be violated by Google even if you bought an	02:06:43
16	iPhone?	02:06:46

17	A. Yes, any phone as long as I was using a	02:06:46
18	Google account that gave an option to shut off data	02:06:49
19	collection. I had an option, I have exercised that	02:06:54
20	right, and it wasn't honored.	02:06:57

21	Q. Did you consider deleting your Google	02:07:00
22	account?	02:07:02

23	A. Exactly how am I going to do that on a	02:07:05
24	Samsung Android device?	02:07:07

25	Q. Did you consider buying an iPhone and	02:07:11
----	--	----------

1 deleting your Google account? 02:07:15

2 A. I think I've already told you. I could 02:07:16

3 not get an iPhone because Samsung is the only thing 02:07:19

4 my 87-year-old father that has dementia can use. 02:07:23

5 It's the only thing I can explain. It's the only 02:07:28

6 thing that he's familiar with. So that's why we got 02:07:31

7 an Android Samsung device. 02:07:34

8 Q. Do you and your father share a phone? 02:07:37

9 A. No, we bought two. 02:07:40

10 Q. Does your father use your phone? 02:07:44

11 A. No. 02:07:47

12 Q. So why did you buy an Android device for 02:07:47

13 yourself? 02:07:55

14 A. Because I wanted a new phone. My dad and 02:07:56

15 I are on the same account. We always have been. So 02:07:58

16 went in to change service providers and bought two 02:08:01

17 new phones. Of course they were going to be the 02:08:04

18 same because that way, if there was any problems, I 02:08:07

19 could walk them through with him. 02:08:09

20 Q. Do you use your phone for any purpose 02:08:18

21 other than to help your father? 02:08:20

22 A. It's my personal phone. 02:08:23

23 MR. LEE: Yeah, I object to that question. 02:08:24

24 Go ahead. 02:08:28

25 THE WITNESS: Why would I have the phone? 02:08:29

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1 It's my personal phone. The first one's identical 02:08:30
2 to this one, but it's newer. And we both had one. 02:08:34
3 BY MR. MATEEN: 02:09:19
4 Q. Ms. Harvey, was there a reason why you 02:09:19
5 couldn't have purchased an iPhone for yourself and 02:09:21
6 an Android phone for your 87-year-old father? 02:09:24
7 MR. LEE: Objection. Asked and answered 02:09:27
8 several times now. 02:09:29
9 BY MR. MATEEN: 02:09:34
10 Q. You can answer. 02:09:34
11 A. I don't like Apple; I like Samsung. It's 02:09:35
12 what I'm used to. 02:09:37
13 Q. Is there anything else about Android that 02:09:49
14 you like besides being used to it? 02:09:52
15 A. I think what I stated was I like Samsung. 02:09:54
16 I didn't say Android, Android's operating system 02:09:57
17 that comes on it. I like the Samsung device. I'm 02:09:58
18 stuck with Google. There's not any other options. 02:10:03
19 Q. Why are you stuck with Google? 02:10:15
20 A. There's not many other options. I just 02:10:16
21 stated that. And for Samsung, this is the phone. 02:10:19
22 It's a Samsung Android phone, like it's been since 02:10:23
23 the very first one we got. 02:10:31
24 Q. But, Ms. Harvey, you said you were stuck 02:10:32
25 with Google. 02:10:35

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1 Why are you stuck with Google? 02:10:36

2 A. Because I like Samsung and Samsung is 02:10:38

3 Android. 02:10:41

4 MR. LEE: Hey, guys, I think we should 02:10:41

5 take five. I think Ms. Harvey's getting a little 02:10:45

6 tired. We can have a short break since we've only 02:10:46

7 gone -- I don't know -- I think 50. But I think 02:10:49

8 it's a good time to stretch our legs a little bit. 02:10:51

9 MR. MATEEN: That's fine. 02:10:55

10 MR. LEE: Thanks. 02:10:56

11 THE VIDEO OPERATOR: Going off the record. 02:10:57

12 The time is 2:10 p.m. p.m. 02:10:58

13 (Off the record at 2:10 p.m. and back on 02:11:05

14 the record at 2:19 p.m.) 02:19:41

15 THE VIDEO OPERATOR: On the record. The 02:19:44

16 time is 2:19 p.m. 02:19:45

17 BY MR. MATEEN: 02:19:46

18 Q. Ms. Harvey, do you still have Exhibit 11 02:19:58

19 open? 02:19:59

20 A. Yes. 02:20:00

21 Q. Do you remember receiving this e-mail? 02:20:07

22 A. I can't recall. I'm thinking -- when did 02:20:09

23 you state it was from? 02:20:14

24 Q. It says at the top that it was sent on 02:20:17

25 December 15, 2021. 02:20:20

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1	A. I believe that's the one time that I	02:20:22
2	turned on the computer, but I can't be sure.	02:20:24
3	Q. Did you go through the privacy checkup	02:20:34
4	that's listed in Step 1?	02:20:36
5	A. In Step 1, no. But I've been in my	02:20:38
6	account numerous times. Like I said, I'm not sure	02:20:41
7	about this e-mail, but I've seen this before and	02:20:43
8	it's logging in to the computer. So if I've got the	02:20:46
9	e-mail address on the phone, I've got the account on	02:20:48
10	my phone, and I would have been doing it on my	02:20:51
11	phone. I don't access the computer.	02:20:53
12	Q. And have you gone through Google's privacy	02:20:55
13	checkup on the phone?	02:20:58
14	A. When I get that, yes. But I normally go	02:21:01
15	into my account and check on my settings repeatedly.	02:21:03
16	Q. Okay. We can take this exhibit down. I'm	02:21:06
17	going to introduce a new one.	02:21:49
18	(Whereupon Exhibit 12 was marked for	02:21:58
19	identification.)	02:21:58
20	BY MR. MATEEN:	02:23:56
21	Q. I've introduced an exhibit marked	02:23:57
22	Exhibit 12. Ms. Harvey, let me know when you've	02:23:59
23	taken a look.	02:24:02
24	(Witness reviewing document.)	02:24:04
25	THE WITNESS: Go ahead.	02:24:42

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1 BY MR. MATEEN: 02:24:42

2 Q. Have you checked this page before? 02:24:43

3 A. Why would I have? I've turned my 02:24:45

4 ad personalization off. I wouldn't need to look at 02:24:48

5 this because I thought it was off. 02:24:50

6 Q. Are you saying that you've never checked 02:24:55

7 your ad settings on your Google accounts? 02:24:57

8 A. I go in and check the settings to make 02:25:00

9 sure everything is marked to off. Do not want 02:25:01

10 personalized ads. 02:25:16

11 Q. If you look at the paragraph underneath 02:25:58

12 "How your ads are personalized," it says: "Ads are 02:25:59

13 based on personal info you've added to your Google 02:26:02

14 account, data from advertisers that partner with 02:26:05

15 Google, and Google's estimation of your interests. 02:26:08

16 Choose any factor to learn more or update your 02:26:10

17 preferences." 02:26:12

18 And then there's a link that says: "Learn 02:26:13

19 how to control the ads you see." 02:26:15

20 Do you know if you've ever clicked this 02:26:17

21 link? 02:26:20

22 MR. LEE: Hold on. 02:26:20

23 Objection. Lack of foundation. She said 02:26:20

24 she's never seen this before. 02:26:22

25 ///

1 BY MR. MATEEN: 02:26:28

2 Q. You can answer. 02:26:28

3 A. There is a button that turns off ad 02:26:29

4 personalization. Why would I go to this page if I 02:26:34

5 thought it was off? 02:26:37

6 MR. LEE: Counsel, can you represent a 02:26:50

7 date of this screen that's Exhibit 12? 02:26:52

8 MR. MATEEN: Yes. This should be from 02:26:54

9 October 2022. 02:26:55

10 MR. LEE: Okay. And do you know when it 02:26:59

11 was first available? 02:27:05

12 MR. MATEEN: We can get back to you. 02:27:14

13 Regardless, we can move on. 02:27:15

14 MR. LEE: Okay. I object to the use of 02:27:16

15 this document in its entirety for lack of foundation 02:27:16

16 and your failure to identify the timing of this 02:27:18

17 document. 02:27:24

18 Do I have a standing objection on that? 02:27:25

19 MR. MATEEN: Sure. 02:27:27

20 MR. LEE: Okay. Thanks. 02:27:28

21 (Whereupon Exhibit 13 was marked for 12:06:25

22 identification.) 12:06:25

23 BY MR. MATEEN: 02:27:31

24 Q. I just introduced an exhibit that's marked 02:28:47

25 Exhibit 13. 02:28:50

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1 Ms. Harvey, let me know when you've taken 02:28:57
2 a look at it. And I understand it might be a little 02:28:58
3 small, and so if you need to make it bigger, you can 02:29:02
4 ask Mr. Lee to see any component of it. 02:29:06
5 (Off-the-record discussion.) 02:29:26
6 MR. LEE: Hold on one second. We had a 02:30:28
7 technical issue. 02:30:30
8 MR. MATEEN: No worries. 02:30:31
9 (Off-the-record discussion.) 02:30:40
10 MR. LEE: I think we're ready to go, 02:30:50
11 Mr. Mateen. 02:30:52
12 BY MR. MATEEN: 02:30:53
13 Q. Ms. Harvey, this is a chart of information 02:30:54
14 provided to Google for your [REDACTED]@gmail.com. 02:30:55
15 Google has records of your WAA, SWAA, and GAP 02:31:00
16 settings that are reflected in this chart. And the 02:31:03
17 information within this chart has been produced to 02:31:05
18 your counsel. 02:31:08
19 So I just want to walk through different 02:31:09
20 components of this chart and what your settings have 02:31:14
21 been for your [REDACTED]@gmail.com account. 02:31:18
22 MR. LEE: Before we do that, I just want 02:31:26
23 to make clear. You're not saying that you produced 02:31:27
24 this document to you, are you? 02:31:29
25 MR. MATEEN: We did not produce the 02:31:31

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1 specific document to you, but everything inside of 02:31:33
2 it has been produced. 02:31:35
3 MR. LEE: The data has been produced, is 02:31:36
4 what you're saying. 02:31:39
5 MR. MATEEN: The data has been produced, 02:31:40
6 yes. 02:31:41
7 MR. LEE: Okay. Go ahead. 02:31:42
8 BY MR. MATEEN: 02:31:45
9 Q. Ms. Harvey, we have here the account 02:31:46
10 creation date for your [REDACTED]@gmail.com account is 02:31:49
11 October 5th, 2009. 02:31:54
12 Does this sound about right? 02:31:56
13 A. Say that one more time. 02:31:59
14 Q. We have the account creation date for your 02:32:01
15 [REDACTED]@gmail.com as October 5th, 2009. 02:32:05
16 Does that sound correct? 02:32:14
17 A. No, it's not. I didn't have the account 02:32:15
18 until 2010. And that's what I've been told by 02:32:18
19 Google too. 02:32:21
20 Q. And when in 2010 did you create the 02:32:21
21 account? 02:32:24
22 A. I can't tell you exactly, but I know it 02:32:25
23 was 2010. 02:32:26
24 Q. How do you know that it was 2010? 02:32:31
25 A. Because Google told me. 02:32:34

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1 Q. When did Google tell you? 02:32:35

2 A. I can't give you the exact date, but I 02:32:37

3 asked -- asked and answered. 02:32:40

4 Q. Why did you ask Google when your account 02:32:46

5 was created? 02:32:48

6 A. Because of the things that went on before, 02:32:49

7 I wanted to see how long I had had the account. So 02:32:50

8 I asked them when was the account created, and they 02:32:52

9 told me. They never said 2009. 02:32:55

10 Now, I had a Yahoo in '9, but I didn't 02:32:57

11 have a Gmail. 02:33:00

12 Q. Do you know who at Google you asked when 02:33:04

13 your account was created? 02:33:05

14 A. No. 02:33:08

15 Q. So we have a record that your account had 02:33:21

16 WAA, Web & App Activity, toggled on on October 5th, 02:33:24

17 2009. 02:33:32

18 A. When did the button get created? 02:33:36

19 Q. Do you remember turning WAA on on 02:33:47

20 October 5th, 2009? 02:33:50

21 A. I think what I just stated was: When did 02:33:52

22 the button get created? Because I didn't find out 02:33:54

23 till after all my issues, so how could I turn it on 02:33:57

24 and off if I didn't know about it? And if I 02:34:02

25 definitely didn't have an account in 2009, how could 02:34:04

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1 I toggle it on or off? 02:34:07

2 Q. So are you telling me that you did not 02:34:10

3 toggle it on on October 5th, 2009? 02:34:15

4 A. I think I just told you I did not have the 02:34:18

5 account in 2009 per Google. So where are these 02:34:20

6 records coming from? 02:34:23

7 Q. You also have listed here that you turned 02:34:29

8 it on on January 28, 2012. 02:34:31

9 Do you remember toggling it on -- 02:34:37

10 A. No. 02:34:39

11 Q. -- on January 28, 2012? 02:34:40

12 A. As I stated, I didn't find out about the 02:34:42

13 button until after 2013. It would have been after 02:34:45

14 August 8, 2014, actually. 02:34:49

15 Q. So are you telling me you did not turn it 02:34:51

16 on -- 02:34:53

17 MR. LEE: Asked and answered. 02:34:54

18 BY MR. MATEEN: 02:34:55

19 Q. -- on October -- strike that. 02:34:56

20 Are you telling me that you did not turn 02:34:57

21 WAA on on January 28, 2012? 02:35:01

22 A. I think I just stated I didn't know about 02:35:05

23 it until 2014. It would have been after that date. 02:35:07

24 Q. It looks like you paused WAA on 02:35:17

25 September 12, 2014. 02:35:20

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1 Do you remember pausing WAA -- 02:35:23

2 A. Yes. 02:35:24

3 Q. -- in September of 2014? 02:35:26

4 A. Yes. 02:35:27

5 Q. And why did you turn it -- why did you 02:35:30

6 pause it on September 12, 2014? 02:35:33

7 A. Because I had just found out about all the 02:35:37

8 charges to my account, and I didn't want anybody to 02:35:39

9 be in control of my information when I felt I should 02:35:41

10 be in control of it. The button said I could be in 02:35:43

11 control if toggled it off, so it got toggled off. 02:35:46

12 Q. Do you think that the unauthorized charges 02:35:52

13 were a result of web and app activity being 02:35:53

14 collected through the Web & App Activity toggle? 02:35:56

15 MR. LEE: Objection to form. 02:35:59

16 Mischaracterizes her prior testimony. 02:36:00

17 Go ahead. 02:36:03

18 BY MR. MATEEN: 02:36:03

19 Q. You can answer. 02:36:03

20 A. I have no clue. I was never told what 02:36:04

21 happened. But that issue has been resolved. It has 02:36:07

22 nothing to do with this. I turned it off because it 02:36:10

23 said Google couldn't collect my information. And 02:36:13

24 that's the date I turned it off in 2014 because I 02:36:24

25 found out a month prior. 02:36:27

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1 Q. If you look a little further down this 02:36:29
2 chart, you can see that you turned WAA on on 02:36:31
3 January 26, 2016. 02:36:38
4 Do you remember turning it on on 02:36:42
5 January -- 02:36:44
6 A. No. 02:36:44
7 Q. -- 26, 2016? 02:36:45
8 A. No. 02:36:46
9 Q. Do you know who might have turned it on on 02:36:52
10 January 26, 2016? 02:36:54
11 A. No. I wasn't aware it was on. 02:36:56
12 Q. Was there anybody in January 2016 that 02:36:59
13 might have had access to this Gmail account? 02:37:01
14 A. No. 02:37:05
15 MR. LEE: Other than Google? 02:37:06
16 THE WITNESS: Not that I gave permission 02:37:08
17 to. And I definitely didn't give permission to 02:37:09
18 Google. 02:37:13
19 BY MR. MATEEN: 02:37:27
20 Q. I can see that you paused 02:37:28
21 Web & App Activity on February 24, 2017. 02:37:31
22 Do you remember pausing it in 02:37:37
23 February 2017? 02:37:39
24 A. No, I do not. Sort of wondering if that's 02:37:40
25 maybe when I switched the device or something and it 02:37:43

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1 just automatically defaulted. Because I never 02:37:46
2 remember turning it completely off -- or on. Sorry. 02:37:48
3 Q. Did you purchase a new device in 02:38:02
4 January 2016? 02:38:03
5 A. No, not -- not as far as I know. But I 02:38:04
6 might have switched devices because the prior one, 02:38:06
7 the screen got cracked. I have that problem. I 02:38:08
8 crack my screens. 02:38:12
9 Q. In January 2016, when you might have 02:38:19
10 switched devices -- strike that. 02:38:21
11 Whenever you switched the device, did you 02:38:23
12 check your Web & App Activity status? 02:38:33
13 A. Well, I would think because it's done 02:38:35
14 through your account that it would stay the same. 02:38:37
15 Wouldn't matter what device you were on. As long as 02:38:41
16 you had it off on your account, Google wouldn't be 02:38:44
17 collecting. 02:38:48
18 Q. Looks like you turned it on -- strike 02:38:50
19 that. 02:38:53
20 It looks like you turned 02:38:54
21 Web & App Activity on on March 8, 2018. 02:38:56
22 Do you remember doing that? 02:39:01
23 A. No. 02:39:02
24 Q. And then it looks like you turned 02:39:16
25 Web & App Activity -- strike that. 02:39:20

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1 It looks like you paused 02:39:25

2 Web & App Activity on April 5th, 2018. 02:39:28

3 Do you recall pausing Web & App Activity 02:39:33

4 on April 5th, 2018? 02:39:35

5 A. No. 02:39:37

6 Q. And it looks like your Web & App Activity 02:39:55

7 turned back on on July 22nd, 2018. 02:39:57

8 Do you remember turning it on on 02:40:02

9 July 22nd, 2018? 02:40:05

10 A. No. 02:40:07

11 Q. Did anyone in July of 2018 have access to 02:40:16

12 your accounts? 02:40:19

13 A. No. I don't give people access to my 02:40:20

14 accounts. Well, of course, Google has access to it 02:40:23

15 unbeknownst to me. 02:40:25

16 Q. Is there any person who you've shared your 02:40:28

17 devices with that might have had access to your 02:40:29

18 accounts? 02:40:33

19 A. No. 02:40:33

20 Q. And then it looks like you turned 02:40:38

21 Web & App Activity off on July 6, 2019. 02:40:42

22 Do you remember doing that? 02:40:47

23 A. No. 02:40:49

24 Q. Is it fair to say that there wasn't 02:40:51

25 anybody who had access to your account -- 02:40:53

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1	A.	No.	02:40:56
2	Q.	-- on July 6, 2018?	02:40:56
3	A.	No.	02:40:57
4		The only time that this -- it might have	02:40:59
5		been paused or turned -- made it to where it was on	02:41:02
6		was when my mom passed away in September of '17.	02:41:05
7		And I've already looked on here; it's not on there.	02:41:08
8		So I didn't do it then either.	02:41:12
9	Q.	Why would it have been on when your mom	02:41:17
10		passed away in September 2017?	02:41:19
11	MR. LEE:	One second, Mr. Mateen.	02:41:22
12		You represented to us that you've provided	02:41:24
13		the data that's in -- that's reflected in this	02:41:29
14		document that has not been produced to us, but we're	02:41:32
15		having a hard time tracking some of this information	02:41:36
16		down.	02:41:39
17		Can you provide the Bates numbers for the	02:41:39
18		documents that support this Exhibit 13, please?	02:41:41
19	MR. MATEEN:	We can send them during a	02:41:48
20		break.	02:41:49
21	MR. LEE:	Okay. To the extent this	02:41:50
22		contains data that hasn't been produced to us,	02:41:53
23		obviously I object to the use of the document.	02:41:56
24	MR. MATEEN:	That's fair.	02:41:59
25	MR. LEE:	Go ahead. Sorry about that.	02:42:00

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1 MR. MATEEN: No worries. 02:42:01

2 BY MR. MATEEN: 02:42:02

3 Q. So it looks like on September 10th, 02:42:04

4 2021 -- strike that. 02:42:09

5 Actually, Ms. Harvey, you mentioned that 02:42:10

6 your Web & App Activity might have been on when your 02:42:14

7 mother passed away; is that correct? 02:42:17

8 A. Yes. 02:42:19

9 Q. And why do you believe your 02:42:23

10 Web & App Activity might have been on -- 02:42:25

11 A. I was looking for -- 02:42:26

12 Q. -- when your mother passed away? 02:42:27

13 A. I was looking for cancer cures. 02:42:29

14 Q. And you testified earlier that you 02:42:34

15 received a targeted ad related to cancer; is that 02:42:36

16 correct? 02:42:40

17 A. After it was turned back off. Because I 02:42:40

18 turned it back off immediately. 02:42:43

19 Q. So you did have it on? 02:42:45

20 A. That date's not on this paper. 02:42:47

21 So I'm not sure whose information this is, 02:42:54

22 but it's not mine. Because you would at least have 02:42:56

23 something around September of 2017 showing that I 02:43:04

24 turned it on for a few days maybe, and that's a big 02:43:07

25 guess. But that date is nowhere on here. 02:43:10

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1 Q. Do you know which e-mail -- I'm sorry. I 02:43:14
2 didn't -- I cut you off. 02:43:16
3 MR. LEE: Were you done with your answer? 02:43:23
4 THE WITNESS: Yeah. There's no other date 02:43:24
5 that it would be there. And if it's on one of the 02:43:26
6 other accounts, why isn't that document being 02:43:28
7 produced? Because I've had my Web & App Activity 02:43:31
8 off. 02:43:33
9 There was only one time that I went in, 02:43:34
10 hoping to God that I might see something different 02:43:36
11 and I didn't. So I shut it back because I didn't 02:43:39
12 want anybody collecting my information. 02:43:42
13 MR. LEE: And just to make sure that you 02:43:44
14 guys aren't talking past each other, Ms. Harvey, 02:43:45
15 this is just one of your accounts. Mr. Mateen may 02:43:48
16 have -- 02:43:51
17 THE WITNESS: Okay. 02:43:51
18 MR. LEE: -- other information on other 02:43:51
19 accounts. 02:43:52
20 THE WITNESS: Okay. Yeah, it's not here. 02:43:53
21 And I did not toggle back and forth on [REDACTED] 02:43:54
22 because I stayed away from this account as far as I 02:44:00
23 could. 02:44:04
24 BY MR. MATEEN: 02:44:05
25 Q. So, to be clear, after receiving that 02:44:24

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1 targeted ad related to cancer, you checked your 02:44:26
2 Web & App Activity settings on whichever account you 02:44:29
3 were using? 02:44:31
4 A. I checked it on my device, whatever -- 02:44:31
5 whatever -- whichever one came up. And it would 02:44:33
6 have been August/September 2017. Found out 02:44:36
7 August 1st. She passed away September 28. So it 02:44:42
8 would be a day maybe during that time. 02:44:47
9 Q. And when you checked, was 02:44:56
10 Web & App Activity toggled on? 02:44:58
11 A. I turned it off and I turned it back 02:45:00
12 off -- or turned it -- turned the Web & App Activity 02:45:02
13 off. Turned it on maybe, like I said, for like a 02:45:04
14 day, maybe even a few hours, and then turned it back 02:45:08
15 off immediately. Because I didn't get any 02:45:11
16 information that was correct. 02:45:13
17 Q. Why did you turn it on? 02:45:15
18 A. Because I wanted to see if maybe I got a 02:45:18
19 different ad -- or not ad but a different thing 02:45:21
20 under the search, and I did not. So I turned it 02:45:24
21 back off because it didn't do any good. 02:45:27
22 Q. So if we look at this chart, it looks like 02:45:40
23 you turned Web & App Activity on with this [REDACTED] 02:45:43
24 account on September 10, 2021. 02:45:50
25 Do you remember doing that? 02:45:53

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1 A. No. 02:45:54

2 Q. Fair to say that nobody had access to your 02:45:56

3 account -- 02:45:58

4 A. No. 02:45:58

5 Q. -- on September 10, 2021? 02:45:59

6 A. No. Nobody has this phone, and this is 02:46:02

7 the only phone that that e-mail address is on. 02:46:04

8 I don't even believe it was on my last 02:46:17

9 one. 02:46:20

10 Q. And then it looks like the 02:46:25

11 Web & App Activity was paused on September 15, 2021. 02:46:27

12 Fair to say that you don't remember doing 02:46:32

13 that? 02:46:34

14 A. No, I do not. 02:46:35

15 Q. Fair to say, like before, nobody had 02:46:37

16 access to your account on September 15, 2021? 02:46:40

17 A. As far as I know, no. 02:46:43

18 Q. Okay. Thank you. 02:46:45

19 A. I don't recall any of these dates, but I 02:46:46

20 know I don't recall before 2010. From what I was 02:46:48

21 told by Google, I didn't have an account before 02:46:54

22 2010. Unless they weren't telling me the truth. 02:46:57

23 Q. I want to move on to your sWAA status. 02:47:06

24 So, as a reminder, sWAA is the subsetting underneath 02:47:08

25 "WAA" within the box. 02:47:14

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1 Do you remember that? 02:47:16

2 A. Yes. 02:47:17

3 MR. LEE: The thing that grays. 02:47:17

4 THE WITNESS: Uh-huh. 02:47:19

5 MR. LEE: Yeah. 02:47:20

6 BY MR. MATEEN: 02:47:20

7 Q. So we have here that your SWAA was paused 02:47:22

8 in March 23rd, 2015. 02:47:27

9 Do you remember that? 02:47:34

10 A. I need to ask a question. 02:47:34

11 If the Web & App Activity button turns it 02:47:36

12 off and grays that out, where do you show that I 02:47:38

13 turned it back on to where it wouldn't gray it out 02:47:43

14 to where I could shut that down? Because 02:47:45

15 Web & App Activity button won't let you select that. 02:47:48

16 If it's off, it's gray. 02:47:59

17 Q. So is it fair to say that you do not 02:48:04

18 remember pausing your SWAA button on March 23rd, 02:48:05

19 2015? 02:48:09

20 A. There's no way to do that. If my 02:48:10

21 Web & App Activity's off, the rest of them are off, 02:48:12

22 too, because you can't check them. It's gray. 02:48:15

23 Q. So we have here that you turned SWAA, that 02:48:19

24 subsettings button, on on March 27, 2015. 02:48:32

25 Do you remember doing so? 02:48:38

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1	A. How could I do that if my	02:48:40
2	Web & App Activity was off?	02:48:42
3	MR. LEE: I'm just -- I'm going to object	02:48:44
4	here. Continuing characterization of this document.	02:48:45
5	You're mischaracterizing the document.	02:48:49
6	BY MR. MATEEN:	02:48:51
7	Q. You can answer.	02:48:53
8	MR. LEE: She already answered.	02:48:54
9	BY MR. MATEEN:	02:48:56
10	Q. Your account's SWAA status paused on	02:49:18
11	May 2nd, 2015.	02:49:25
12	Do you know why that might be?	02:49:26
13	A. If my Web & App Activity is off -- and I'm	02:49:28
14	telling you it's been off from the start -- I can't	02:49:30
15	make that option to do anything to do with it if	02:49:33
16	Web & App Activity is off. It won't allow you to.	02:49:37
17	It's gray.	02:49:40
18	Q. If you go further down this list, it looks	02:50:42
19	like your account's SWAA status was toggled on on	02:50:46
20	January 26, 2016.	02:50:54
21	Do you know why that might be?	02:50:57
22	A. I will answer the same way again.	02:51:00
23	Web & App Activity is off, then I can't make an	02:51:02
24	option on those settings because it's gray.	02:51:05
25	Q. So just looking over at what your	02:51:11

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1 Web & App Activity status was, it looks like your 02:51:14
2 Web & App Activity status also turned on on 02:51:18
3 January 26, 2016, and your sWAA status also turned 02:51:19
4 on on January 26, 2016. 02:51:23
5 Do you have a reason why that might be? 02:51:26
6 A. No, I do not, because I didn't turn it 02:51:28
7 back on. 02:51:30
8 Q. And so you don't know why your sWAA status 02:51:51
9 paused on February 24, 2017? 02:51:56
10 A. No, I do not, because I had 02:52:01
11 Web & App Activity off. That sWAA setting you're 02:52:02
12 talking about, when Web & App Activity is off is 02:52:06
13 gray. I can't check anything. 02:52:09
14 And to tell you the truth, I've never 02:52:10
15 checked those boxes, ever. Web & App Activity goes 02:52:13
16 off, they're gray. I don't think about them because 02:52:16
17 I can't do anything with them. I can't put a check 02:52:18
18 mark on them. I can't do anything. And I turn mine 02:52:21
19 off. 02:52:25
20 Q. So you don't know why your account sWAA 02:52:33
21 status turned on on July 22nd, 2018? 02:52:36
22 MR. LEE: Asked and answered. 02:52:40
23 BY MR. MATEEN: 02:52:41
24 Q. You can answer. 02:52:45
25 A. I'm going to answer the exact same way. 02:52:46

1 I've had my Web & App Activity off. There's no way 02:52:49
2 for me to change those settings. 02:52:51
3 Q. And so it's fair to say that you don't 02:52:57
4 know why your sWAA status paused on July 6, 2019? 02:52:58
5 A. I just -- as I just stated, I didn't turn 02:53:06
6 my status back on. I -- that's not something I want 02:53:09
7 to do. 02:53:12
8 The only time I remember doing that was 02:53:12
9 when my mom was sick in 2017. Other than that, 02:53:15
10 Web & App Activity has been turned off. And I 02:53:18
11 didn't have to worry about the other settings 02:53:21
12 because you can't. All my settings were off. 02:53:23
13 Q. Which e-mail address were you using 02:53:33
14 primarily when your mom was sick? 02:53:35
15 A. Probably [REDACTED]. 02:53:39
16 But I can't say for sure. I'm thinking 02:53:45
17 it's that one. 02:53:47
18 Q. Did you use [REDACTED]? 02:53:55
19 A. I can't tell you it wasn't on the device, 02:53:59
20 but that wasn't one that I wanted to use. The only 02:54:00
21 reason it would have ever been on my device is so 02:54:04
22 that I could get documents. Because, of course, 02:54:07
23 that's the oldest account. 02:54:10
24 Q. If you look at the next column, it shows 02:54:19
25 your GAP status. That's Ads Personalization. It 02:54:21

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1 says that you paused it on February 1st, 2016. 02:54:24

2 Do you remember doing that? 02:54:31

3 A. I'm going to make it easy for you. I shut 02:54:34

4 it off, and I never turned it back on. I can't give 02:54:36

5 you the dates I shut it off, but I shut it off. It 02:54:39

6 was about the same time I found out about the 02:54:42

7 Web & App Activity button. 02:54:44

8 Q. Fair enough. 02:54:46

9 Let me introduce a new exhibit. 02:55:00

10 (Whereupon Exhibit 14 was marked for 12:06:25

11 identification.) 12:06:25

12 BY MR. MATEEN: 02:55:02

13 Q. I have introduced a new exhibit. And, for 02:56:13

14 the record, this is from plaintiffs' production, 02:56:15

15 Bates Number 0004455. 02:56:17

16 Ms. Harvey, just let me know when you've 02:56:32

17 taken a look. 02:56:33

18 (Witness reviewing document.) 02:56:35

19 THE WITNESS: Yes, I see it. 02:56:36

20 BY MR. MATEEN: 02:57:00

21 Q. Do you recognize this e-mail? 02:57:02

22 A. Yeah, I downloaded my data. 02:57:03

23 Q. Can you tell me what "download your data" 02:57:05

24 is? 02:57:07

25 A. It takes all the information that's on my 02:57:07

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1 account and downloads it to a file. 02:57:11

2 Q. How often do you download your data? 02:57:18

3 A. At the time, I was doing it quite 02:57:20

4 regularly. Basically every time Google changed the 02:57:22

5 privacy settings. 02:57:27

6 Q. And why were you doing it frequently? 02:57:33

7 A. Every time the privacy settings were 02:57:35

8 changed, I did it. That's what I just said. 02:57:37

9 Q. And why did you download your data every 02:57:43

10 time the privacy settings were changed? 02:57:46

11 A. What do you mean? I wanted to make sure I 02:57:49

12 had a copy of it because I had a boatload of 02:57:51

13 transactions that were deleted out of Google, and I 02:57:54

14 wanted to make sure to have the records for it. 02:57:55

15 Q. So this e-mail lists a number of Google 02:58:27

16 services? 02:58:29

17 A. Yes. 02:58:29

18 Q. Did you use each of these services? 02:58:30

19 A. Wait a minute. 02:58:37

20 Q. You can take a minute. 02:58:37

21 A. Yeah. 02:58:38

22 No My Business. No Google Pay Send. No 02:58:42

23 Google Pay. No rewards. No gift Cards. No offers. 02:58:46

24 Google Play Music, I don't think so. 02:58:51

25 Google+, that's just a whole mess because 02:58:53

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1 I didn't -- 02:58:59

2 MR. LEE: I think it's Google+ Circles. 02:58:59

3 THE WITNESS: Circles, no. 02:59:02

4 MR. LEE: Looks like there's no -- 02:59:03

5 THE WITNESS: Yeah. 02:59:05

6 The Groups, GSuite Marketplace. 02:59:05

7 (Reporter request for clarification.) 02:59:10

8 BY MR. MATEEN: 02:59:10

9 Q. Ms. Harvey, just -- Ms. Harvey, are you 02:59:10

10 reading to yourself or are you answering? 02:59:11

11 A. I'm reading out -- I'm just reading to 02:59:13

12 myself as I'm looking through these. 02:59:14

13 Q. Okay. 02:59:16

14 A. I'm sorry. 02:59:17

15 A good portion of these I never used and 02:59:39

16 that I'm -- I'm stating. 02:59:43

17 Q. Which ones did you never use? 02:59:48

18 A. Okay. 02:59:51

19 MR. LEE: Nice and slow for the court 02:59:52

20 reporter. Okay? 02:59:53

21 THE WITNESS: Okay. Let me make this a 02:59:53

22 little bit bigger just because that I know -- okay. 02:59:54

23 I'm not sure what the plus ones is. 03:00:06

24 Bookmarks, I probably bookmark things to 03:00:09

25 my page. 03:00:12

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1	Classroom, no.	03:00:13
2	Contacts, yes.	03:00:15
3	Google My Business, no. I didn't have a	03:00:19
4	business.	03:00:23
5	Google Pay Send, no, I did not.	03:00:24
6	Google Pay, no, I did not.	03:00:26
7	Rewards, no. Gift cards, no. Offers, no.	03:00:28
8	Google Play Music. I can't be sure I	03:00:37
9	haven't used Google Play Music, but I don't believe	03:00:39
10	I have.	03:00:42
11	Google+ Circles. I did have	03:00:43
12	Google+ Circles, but I didn't really understand so I	03:00:47
13	didn't use.	03:00:50
14	Groups, no.	03:00:51
15	GSuite Marketplace, definitely not.	03:00:52
16	Handsfree, I don't understand what that	03:00:56
17	really is. I don't get that.	03:00:59
18	Hangouts, no. I think there was something	03:01:03
19	that was there, but I never used it.	03:01:06
20	Hangouts Air [sic], no.	03:01:08
21	Keep, don't know what it is.	03:01:11
22	Location History, yes.	03:01:14
23	Maps, yes.	03:01:16
24	My Maps, well, all I call it is Maps, so I	03:01:19
25	don't know. Maybe I did.	03:01:24

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1 Profile, well, if you mean -- I don't 03:01:29
2 really understand what Profile is by itself. 03:01:31
3 Profile to what? 03:01:34
4 Search Contributions, no. 03:01:37
5 Tasks, I don't believe I did. 03:01:39
6 Voice, I don't believe I did. 03:01:41
7 Blogger, I don't believe I -- I know I 03:01:42
8 didn't. 03:01:45
9 Calendar, I'd use my calendar. 03:01:45
10 Chrome, yes. 03:01:48
11 Classic Sites, I don't know what that is. 03:01:49
12 Drive, yes. I'm sure I used Drive because 03:01:52
13 there's stuff that's in there. 03:01:55
14 Fit, I would say no. 03:01:58
15 Google Photos, yes. 03:02:00
16 Google Play Books, no. 03:02:03
17 Google Pages -- or + Pages, I might have 03:02:07
18 looked through it; but, no, it wasn't something that 03:02:10
19 I frequented. 03:02:12
20 Google Stream, the same thing. Or 03:02:13
21 + Stream. I don't know what that is. 03:02:15
22 Mail, yes. 03:02:18
23 My Activity, I would look at the activity, 03:02:19
24 but I believe that's where we shut off -- shut off 03:02:24
25 all the stuff. So that's -- I don't know if you're 03:02:27

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1 looking at My Activity. I've looked at my map 03:02:30

2 activity and location, so I don't know if there's 03:02:33

3 something different than what I'm speaking of. 03:02:35

4 YouTube Data, I've looked at it, and it's 03:02:38

5 the one that's got the video from -- for a year and 03:02:40

6 a half after I was born. It would be available for 03:02:43

7 you on the downloads. 03:02:46

8 So that's all that's listed. 03:02:49

9 BY MR. MATEEN: 03:02:51

10 Q. Thank you for listing through them. 03:02:51

11 A. Okay. 03:02:54

12 Q. Do you recall the contents of this 03:03:04

13 specific data download from April 5th, 2018? 03:03:05

14 A. No. 03:03:11

15 Q. I figured. 03:03:11

16 Do you recall the contents of any Google 03:03:12

17 download data? 03:03:16

18 A. I -- not off the top of my head, no. I -- 03:03:17

19 I try not to go in and look at it because I -- I 03:03:19

20 don't understand a lot of it because it's not just 03:03:22

21 in a normal person's turf or in the way that you 03:03:25

22 look at it normally. It's like weird stuff. Code. 03:03:29

23 It's a different program or something where I can't 03:03:34

24 really see it. It's not PDF like this is. 03:03:36

25 Q. What sort of weird stuff are you 03:03:41

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1 describing? 03:03:43

2 A. It looks like an HTML code. It doesn't 03:03:44

3 look like a normal page. 03:03:47

4 I hope I'm saying that right. It doesn't 03:03:53

5 look right. 03:03:57

6 Q. I understand what you're saying. 03:03:57

7 A. Yeah. It doesn't read like this. 03:03:59

8 Q. Fair enough. 03:04:01

9 Do you remember the contents, though? And 03:04:06

10 not the complete contents but -- strike that. 03:04:08

11 Sorry. 03:04:13

12 Have you reviewed any of your downloaded 03:04:38

13 data? 03:04:41

14 A. Some of it, yes. 03:04:42

15 Q. From the some that you have reviewed, do 03:04:44

16 you remember any of its contents? 03:04:48

17 A. It showed weird information. Like the 03:04:51

18 charges that show originally on the account didn't 03:04:53

19 match what it says the account said. 03:04:58

20 Q. I think I just missed what you -- can you 03:05:05

21 repeat that answer? I just didn't hear you. 03:05:08

22 A. The charges that were originally on the 03:05:10

23 account didn't match what the download said. It 03:05:12

24 wasn't the same information. 03:05:21

25 Q. Did you notice any other discrepancies in 03:05:25

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1 data downloads? 03:05:30

2 A. Not off the top of my head, no. That's 03:05:31

3 the main thing I was concerned about, to make sure 03:05:32

4 that the charges that I was originally told were 03:05:35

5 there were there and they weren't. 03:05:37

6 Q. Do you remember ever seeing 03:05:43

7 Google Analytics activity -- 03:05:45

8 A. No. 03:05:47

9 Q. -- in a data download? 03:05:47

10 A. No. I don't know what that is, really, to 03:05:49

11 actually -- if it was going to be something that I 03:05:51

12 would open? I'm -- it's -- to put it bluntly, I'm a 03:05:53

13 consumer. I don't worry about developer side of 03:05:55

14 things because it's not for me to worry about. 03:05:58

15 As long as I know the information isn't 03:06:04

16 being taken, then -- I know some apps need some 03:06:06

17 information to keep running. But when I tell Google 03:06:10

18 not to take my information, regardless where it's 03:06:13

19 coming from, they shouldn't take it. 03:06:16

20 Q. Ms. Harvey, in the prior exhibit, we had a 03:06:51

21 record that [REDACTED] WAA status turned on on 03:06:54

22 March 8, 2018, and paused on April 5th, 2018, which 03:07:03

23 is the date of this e-mail. 03:07:12

24 Do you know why that might be? 03:07:20

25 A. No. And I don't know why the charges that 03:07:23

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1 were on the download didn't match the account. I 03:07:25
2 don't know what Google's doing. 03:07:28
3 Q. I'm going to introduce a new exhibit. 03:07:57
4 MR. LEE: Yeah, don't do that. 03:08:13
5 THE WITNESS: I got it. 03:08:16
6 (Off-the-record discussion.) 03:08:17
7 (Whereupon Exhibit 15 was marked for 12:06:25
8 identification.) 12:06:25
9 BY MR. MATEEN: 03:09:52
10 Q. I introduced a new exhibit marked as 03:09:52
11 Exhibit 15. Let me know when you've taken a look. 03:09:55
12 (Witness reviewing document.) 03:10:15
13 THE WITNESS: Okay. I see it. 03:10:33
14 BY MR. MATEEN: 03:10:33
15 Q. This is the Google GAP personalization 03:10:33
16 status for your e-mail address [REDACTED]@gmail.com. 03:10:35
17 It shows here that your GAP status turned on on 03:10:41
18 August 1st, 2018, and then was paused on 03:10:48
19 January 1st, 2019. 03:10:54
20 Do you recall turning it on on August 1st, 03:10:57
21 2018? 03:11:01
22 A. Let me help you with this. 03:11:02
23 MR. LEE: Hold on one second. 03:11:04
24 Mr. Mateen, is -- is this another document 03:11:05
25 that you're representing data was produced to us? 03:11:07

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1 Because I don't see a Bates number on this. 03:11:11

2 MR. MATEEN: Yes. And we'll get you the 03:11:14

3 Bates during the break. 03:11:15

4 MR. LEE: Okay. Great. Thank you. 03:11:17

5 MR. MATEEN: Uh-huh. 03:11:19

6 THE WITNESS: This account was created 03:11:21

7 when I got the phone on August 24, 2018. So how 03:11:22

8 would you have August 1st, 2018, as on? Not 03:11:29

9 possible. Sorry. 03:11:40

10 BY MR. MATEEN: 03:11:41

11 Q. How do you know the date you got the 03:11:41

12 phone? 03:11:43

13 A. My dad bought it for my birthday the year 03:11:45

14 after my mom died, the day the phone came out. 03:11:50

15 That's when that account was created. 03:11:57

16 Q. When's your birthday? 03:12:07

17 A. August 24, 2000- -- yeah, 1968. 03:12:09

18 I turned 50 that year. That's where the 03:12:28

19 [REDACTED] comes from. 03:12:34

20 Q. And can you remind me what phone you 03:12:36

21 purchased? 03:12:38

22 A. The Galaxy 9, S9 Note, whatever it was. 03:12:39

23 Q. And did you say earlier that that was the 03:12:51

24 date that the Galaxy S9 came out? 03:12:53

25 A. It was the date that AT&T shipped it out. 03:12:56

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1 We received it on my birthday 2018, and it was 03:12:58
2 powered up that day. Didn't have this account yet. 03:13:03
3 Q. What do you mean when you say, "AT&T 03:13:12
4 shipped it out"? 03:13:14
5 A. Well, I'm sorry. It would have been 03:13:15
6 Verizon. Verizon sent us the phone -- whatever -- 03:13:17
7 let me think for 30 seconds. 03:13:20
8 It would have been Verizon. Verizon sent 03:13:23
9 it to us that day. We ordered two brand-new phones, 03:13:25
10 two Galaxy 9 -- S9s with the pen, got it for my 03:13:28
11 birthday, and received it on my birthday. 03:13:32
12 Q. Okay. Thank you. 03:13:36
13 Is it fair to say you don't recall pausing 03:13:38
14 your Ad Personalization status on January 1st, 2019? 03:13:41
15 A. No, I do not. And I didn't have the phone 03:13:47
16 on August 1st, 2018. Not possible. It wasn't 03:13:49
17 introduced on the market yet. 03:13:59
18 Q. You can take this exhibit down. 03:14:07
19 Ms. Harvey, I want to get your opinion on 03:14:42
20 a few different scenarios. 03:14:44
21 A. Okay. If I can. 03:14:45
22 Q. Let's say that you turned your 03:14:52
23 Ad Personalization toggle off. Assuming your 03:14:53
24 Ads Personalization toggle is off, Google doesn't 03:14:57
25 use any data collected from Google Analytics for 03:15:01

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1	Firestore for targeted advertising. But when it's	03:15:05
2	on, it can use that data in anonymized form and you	03:15:09
3	have Web & App Activity on.	03:15:14
4	Let me know if that -- if you want me to	03:15:17
5	break that down a little bit.	03:15:19
6	A. Yeah, of course I do, because if I didn't	03:15:20
7	have it on, then -- I don't understand what you're	03:15:23
8	stating.	03:15:27
9	Q. Ms. Harvey, I can --	03:15:28
10	MR. LEE: Let him -- let him -- let him --	03:15:30
11	THE WITNESS: Okay.	03:15:31
12	MR. LEE: -- maybe try it again.	03:15:31
13	THE WITNESS: Okay.	03:15:32
14	MR. LEE: We --	03:15:32
15	BY MR. MATEEN:	03:15:33
16	Q. Ms. Harvey, so for background, you can	03:15:34
17	turn Web & App Activity on, and you can turn	03:15:38
18	Ads Personalization off. And so let's say that	03:15:41
19	you've turned Web & App Activity on, but you've	03:15:45
20	turned Ads Personalization off.	03:15:50
21	So is it fair for Google to use -- strike	03:15:52
22	that, actually.	03:16:04
23	That's the background. Web & App Activity	03:16:06
24	is on. Ads Personalization off.	03:16:07
25	MR. LEE: And this is a hypothetical	03:16:11

1 question, right, Mr. Mateen? 03:16:13

2 MR. MATEEN: Yes, it is. 03:16:14

3 MR. LEE: Okay. 03:16:15

4 BY MR. MATEEN: 03:16:16

5 Q. Assume that Google isn't using 03:16:28

6 Google Analytics for Firebase data for targeted 03:16:31

7 advertising with WAA on and GAP off. 03:16:35

8 But when GAP is on, Google can use it; is 03:16:41

9 that fair? 03:16:48

10 MR. LEE: Objection. Compound. Vague. 03:16:50

11 Incomplete hypothetical. 03:16:50

12 Answer if you understood his question. 03:16:56

13 THE WITNESS: I did -- I -- it's off, so 03:16:58

14 how would I know? I didn't want them doing it. I 03:17:00

15 said no. So how would I know? If it's off, it's 03:17:05

16 off. 03:17:08

17 MR. LEE: Do you need a break? 03:17:50

18 THE WITNESS: Uh-huh. 03:17:52

19 MR. LEE: I think Ms. Harvey is signaling 03:17:52

20 she wants to use the restroom. 03:17:54

21 MR. MATEEN: Fair enough. 03:17:58

22 THE VIDEO OPERATOR: Going off the record. 03:18:02

23 The time is 3:18 p.m. 03:18:02

24 (Off the record at 3:18 p.m. and back on 03:18:05

25 the record at 3:33 p.m.) 03:33:54

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1 THE VIDEO OPERATOR: Back on the record. 03:33:55

2 The time is 3:33 p.m. 03:33:56

3 BY MR. MATEEN: 03:33:59

4 Q. Ms. Harvey, I'm introducing a new exhibit. 03:34:06

5 MR. LEE: Were you going to get us those 03:34:19

6 Bates numbers? I thought you said you were going to 03:34:20

7 do that at the break. 03:34:23

8 MR. MATEEN: We're still running them 03:34:25

9 down. 03:34:27

10 MR. LEE: Okay. Thanks. 03:34:27

11 (Off-the-record discussion.) 03:34:48

12 (Whereupon Exhibit 16 was marked for 03:34:58

13 identification.) 03:34:58

14 BY MR. MATEEN: 03:34:58

15 Q. I have introduced a new exhibit as 03:34:59

16 Exhibit 16. This is the Web & App Activity status 03:35:03

17 for [REDACTED]@gmail.com. 03:35:08

18 MR. MATEEN: And, Mr. Lee, I can let you 03:35:13

19 know that the Bates number for this is 13598. 03:35:14

20 MR. LEE: Okay. 03:35:23

21 BY MR. MATEEN: 03:35:35

22 Q. And, Ms. Harvey, just let me know when 03:35:35

23 you've taken a look. 03:35:38

24 (Witness reviewing document.) 03:35:39

25 THE WITNESS: Taken a look at it. 03:35:41

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1 BY MR. MATEEN: 03:35:44

2 Q. So, Ms. Harvey, this is the 03:35:44

3 Web & App Activity status of your 03:35:48

4 [REDACTED]@gmail.com -- 03:35:51

5 A. Uh-huh. 03:35:54

6 Q. -- account. 03:35:55

7 As you can see here, it shows that your 03:35:57

8 Web & App Activity -- strike that. 03:36:01

9 As you can see here, it shows that the 03:36:05

10 Web & App Activity status of [REDACTED]@gmail.com is 03:36:10

11 toggled on on August 24, 2018, and then paused on 03:36:15

12 July 7, 2019. 03:36:21

13 Do you recall having Web & App Activity on 03:36:26

14 for this Gmail account? 03:36:28

15 A. No. And I'm a little confused. Why would 03:36:32

16 it be turned on twice a minute apart or -- what? -- 03:36:34

17 seconds apart? 03:36:38

18 Q. Looks about a second apart. 03:36:39

19 A. Yeah. So why would that be done? I 03:36:41

20 didn't turn it on in the first place. I went in and 03:36:43

21 wanted it off originally. So it would have been 03:36:47

22 actually turned off a second later rather than 03:36:49

23 turned on. I can't turn it off twice without 03:36:53

24 turning it off first. 03:36:55

25 Q. And so you didn't turn Web & App Activity 03:37:01

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1 on on July 7, 2019? 03:37:03

2 A. I don't remember any of this, no. And, in 03:37:09

3 fact, I know on 7 -- what is it? -- 7/29/2020, it 03:37:10

4 was off at the time. 03:37:15

5 Q. And why do you know? 03:37:18

6 A. Because I have screenshots of it. 03:37:20

7 Q. What specifically do you have screenshots 03:37:25

8 of? 03:37:26

9 A. That it was off. 03:37:27

10 Q. And when are the screenshots from? 03:37:30

11 A. Excuse me? 03:37:33

12 Q. When are those screenshots from? 03:37:33

13 A. Actually, I think it's 7/30, which is 03:37:36

14 actually when I went in and looked. 03:37:41

15 Q. 7/30 of which year? 03:37:44

16 A. 2020. 03:37:48

17 So it was actually on on the 30th, and I 03:37:57

18 never turned it on or off. And I have history for 03:38:01

19 that day, the 30th. 03:38:10

20 Q. Did you give your attorneys those 03:38:18

21 screenshots? 03:38:20

22 A. They're aware of them. 03:38:21

23 Q. Did you give your attorney those 03:38:45

24 screenshots on July 30th? 03:38:47

25 MR. LEE: Objection. Mischaracterizes her 03:38:51

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1 testimony. 03:38:53

2 BY MR. MATEEN: 03:38:53

3 Q. You can answer. 03:38:56

4 MR. LEE: You know what? The materials 03:39:19

5 that you shared with counsel I think is privileged, 03:39:20

6 so I'm going to direct you not to answer that 03:39:22

7 question. 03:39:25

8 THE WITNESS: Okay. 03:39:26

9 MR. MATEEN: James, do you know if you all 03:39:31

10 have produced those screenshots? 03:39:32

11 MR. LEE: I don't even know if we have 03:39:34

12 screenshots. So, to me, right now, I don't -- I 03:39:36

13 don't -- I have no idea. 03:39:38

14 THE WITNESS: I'm not -- I'm not -- 03:39:42

15 MR. MATEEN: James, can you specify 03:39:53

16 specifically what you're claiming is privileged? 03:39:54

17 MR. LEE: Your -- your question to her is 03:39:57

18 what -- what she sent to her lawyers. And I think 03:39:59

19 that the materials shared between clients and 03:40:05

20 counsel are privileged, so I told her not to respond 03:40:08

21 to that. 03:40:14

22 Your -- your follow-up question was 03:40:15

23 directed at me, which is whether we produced 03:40:17

24 screenshots. My response was I'm not aware of 03:40:21

25 screenshots, but I have to check with the whole 03:40:25

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1 team. 03:40:28

2 MR. MATEEN: Okay. Thank you. 03:40:28

3 BY MR. MATEEN: 03:40:40

4 Q. Ms. Harvey, why did you take screenshots 03:40:41

5 on July 30, 2020? 03:40:45

6 MR. LEE: You can -- you can -- to the 03:40:46

7 extent you can answer that without getting into 03:40:47

8 discussions you had with your attorneys, you can 03:40:49

9 answer. But if you can't answer without divulging 03:40:51

10 discussions you had with your attorneys, then I 03:40:56

11 direct you not to answer. 03:40:59

12 THE WITNESS: Because I had a meeting that 03:41:01

13 day, and it was Zoom meeting and it's recorded. But 03:41:02

14 the Web & App Activity was off. 03:41:06

15 BY MR. MATEEN: 03:41:10

16 Q. What was the meeting that you had July 30, 03:41:11

17 2020? 03:41:13

18 A. With my attorneys. 03:41:14

19 What date did you say? 03:41:25

20 Q. I just said July 30, 2020. I believe 03:41:26

21 that's the date that you said you took screenshots. 03:41:28

22 A. It was the 29th or 30th, but I believe it 03:41:29

23 was the 30th. 03:41:32

24 Q. Did you turn your Web & App Activity off 03:41:43

25 on July 29, 2020? 03:41:45

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1	A. No, I didn't do anything. I went and	03:41:48
2	looked at it. It said it was off, and I didn't	03:41:52
3	worry about it. But there was still history.	03:41:55
4	Q. I'm going to introduce a new exhibit. We	03:42:33
5	can move on from this one.	03:42:35
6	(Whereupon Exhibit 17 was marked for	03:42:37
7	identification.)	03:42:37
8	BY MR. MATEEN:	03:42:37
9	Q. I've -- Ms. Harvey, I've introduced what	03:43:54
10	I've marked as Exhibit 17. For the record, this is	03:43:56
11	paragraphs 228 and 229 of the third amended	03:44:01
12	complaint. Let me know when you've taken a look.	03:44:07
13	A. Which one? What am I looking at exactly?	03:44:25
14	Q. Exhibit Number 17.	03:44:29
15	A. Okay. The whole thing?	03:44:30
16	Q. Yeah. Just -- yes.	03:44:31
17	(Witness reviewing document.)	03:45:10
18	THE WITNESS: Just that one page, right?	03:45:14
19	MR. LEE: Yeah, yeah.	03:45:15
20	THE WITNESS: Okay. Go ahead.	03:45:15
21	MR. LEE: I struggled with that, too, for	03:45:16
22	a second.	03:45:17
23	THE WITNESS: Okay. Yes, I've read it.	03:45:18
24	BY MR. MATEEN:	03:45:19
25	Q. So if you see on paragraph 229, there's a	03:45:20

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1 list of apps that you used when you had WAA turned 03:45:25
2 off. I just want to talk about some of these? 03:45:30
3 So let's start with, for example, 03:45:42
4 Candy Crush. How often do you use Candy Crush? 03:45:42
5 A. Now or then? 03:45:46
6 Q. Let's start with now. How often do you 03:45:52
7 use Candy Crush now? 03:45:54
8 A. I don't. 03:45:55
9 Q. Did you used to frequent Candy Crush? 03:45:56
10 A. Yes, I played it. 03:45:58
11 Q. During what time period did you play it 03:46:06
12 the most often? 03:46:08
13 A. I couldn't tell you. I -- I don't think 03:46:09
14 I -- have I used it on my phone? I don't even know 03:46:11
15 if I've used it on the new phone. 03:46:15
16 But I play games. I -- there's no 03:46:19
17 argument there. I play games on my phone. And 03:46:21
18 that's sort of why I was trying -- I wasn't trying 03:46:23
19 to let that information get out there. 03:46:26
20 Q. Why didn't you want the information that 03:46:31
21 you play games on your phone to get out there? 03:46:33
22 A. Why would you not like your personal 03:46:35
23 information to get out there? 03:46:37
24 Q. Ms. Harvey, can you answer my question, 03:46:39
25 please? 03:46:40

1 A. I just did. I do not want my personal 03:46:41
2 information out there. That's why I marked to have 03:46:44
3 Web & App Activity turned off. That is an app. It 03:46:47
4 would be activity in the app, and I don't want that 03:46:49
5 out period. 03:46:52
6 Q. Is there something about games in 03:46:54
7 particular that you don't want out? 03:46:56
8 A. Not just games, all apps. 03:46:58
9 If Web & App Activity is off, it's off. 03:47:01
10 Asking somebody not to take the information should 03:47:04
11 be self-explanatory. I did not want the information 03:47:07
12 out there. And it was collected, used, and shared, 03:47:11
13 and stored. 03:47:13
14 Q. And what do you mean when you say "out 03:47:18
15 there"? 03:47:20
16 A. Excuse me? 03:47:26
17 Q. You're using the phrase "out there," you 03:47:27
18 don't want information out there? 03:47:29
19 A. Something that's on my personal device is 03:47:30
20 my personal information. Google stated to me that I 03:47:32
21 could control my personal information if I turned 03:47:35
22 Web & App Activity off. It's not under control. 03:47:38
23 Because that button doesn't work. 03:47:42
24 Now, if I had it on, I couldn't say too 03:47:44
25 much. But I chose to turn it off. So why is that 03:47:47

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1 being used? 03:47:53

2 Q. I understand, Ms. Harvey. I just asked 03:47:54

3 specifically what you meant when you said that your 03:47:59

4 information would be out there. I guess to rephrase 03:48:03

5 my question, out where? 03:48:06

6 A. Out anywhere. I wanted it to stay on my 03:48:10

7 personal device where I thought it was staying and 03:48:15

8 it wasn't. 03:48:17

9 If somebody's taking it, you're not in 03:48:22

10 control of it. Why offer a button that says you can 03:48:24

11 have control? 03:48:28

12 Q. Do you know that when you download a game 03:48:32

13 from the Play Store, you're downloading the game 03:48:34

14 from Google, right? 03:48:36

15 A. Yes, I understand that. 03:48:38

16 Q. So would -- is it fair to say that Google 03:48:42

17 would have to know that you've downloaded the game, 03:48:47

18 right? 03:48:50

19 A. Are we talking about a download of a game 03:48:51

20 or are we talking about all the information to do 03:48:54

21 with the game, all the requests, all the different 03:48:57

22 things that go along with that? I don't -- I didn't 03:48:59

23 want anybody to take that information. I'm sure 03:49:01

24 they would know because it's attached to -- somehow 03:49:05

25 to my account. But the whole thing is I asked them 03:49:07

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1 not to take, use, do anything with the information. 03:49:11

2 And they did. 03:49:15

3 Q. I'm just asking about the fact you 03:49:19

4 downloaded it. 03:49:21

5 A. That would be along the same lines. 03:49:23

6 MR. LEE: Yeah, asked and answered. 03:49:28

7 BY MR. MATEEN: 03:49:29

8 Q. So if you have WAA off should Google not 03:49:38

9 know when you've downloaded a game from the 03:49:43

10 Play Store? 03:49:46

11 A. Well, maybe the Play Store itself would 03:49:47

12 know, but why would all of Google know and be 03:49:50

13 attached to my account for them to do what they 03:49:52

14 wanted with? I turned it off. 03:49:55

15 Now if it's on, Google can do what it 03:49:57

16 wants. They're not making promises. But when it's 03:50:00

17 off, they've made a promise. I expect that to be 03:50:02

18 honored. Fix the button. 03:50:05

19 Q. So to clarify what you just said -- and 03:50:33

20 correct me if this is wrong -- if you have WAA off 03:50:35

21 and you download an app in the Play Store, the 03:50:39

22 Play Store can know that you downloaded the app but 03:50:43

23 Google as a whole should not? 03:50:47

24 A. Yes. Just because Google has one product 03:50:50

25 that does something, that doesn't mean it shares it 03:50:53

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1 with everything else and pins it to a person. I -- 03:50:56
2 like I stated, I didn't want anybody to know what I 03:51:00
3 was doing on my phone. So after it's downloaded, 03:51:03
4 that information shouldn't be there. 03:51:06
5 Q. We can move on from this exhibit. 03:51:23
6 Before you install an app, do you read 03:51:35
7 their privacy policies? 03:51:37
8 A. Normally. 03:51:41
9 Q. One of the apps that you have listed is 03:51:49
10 PicCollage. 03:51:53
11 Did you read the PicCollage privacy policy 03:52:00
12 before you downloaded it? 03:52:04
13 A. What I've been noticing is every time I 03:52:06
14 open a app, it asks me to check my personal 03:52:08
15 preference and what I want clicked and what I don't 03:52:11
16 want clicked. And I always click not to collect it. 03:52:13
17 Why it's asking it every time, I do not know. 03:52:17
18 But when I tell Google I don't want it 03:52:18
19 taking information, I would hope that Google would 03:52:21
20 respect their promise to me or to anybody else that 03:52:23
21 turns their Web & App Activity off. 03:52:28
22 Q. Have you read the PicCollage privacy 03:52:41
23 policy? 03:52:46
24 A. Have I read the whole entire one? I can't 03:52:47
25 tell you that I've seen the whole entire thing. It 03:52:50

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1 isn't installed on my phone right now. It -- it 03:52:52
2 was. I went in and used it once or twice. I didn't 03:52:55
3 really like it, and I went out of it. 03:52:59
4 Q. Did you at least look at the PicCollage 03:53:02
5 privacy policy? 03:53:06
6 A. The things that it said, yes. 03:53:06
7 I want to state this, though: Regardless 03:53:18
8 what it said, why did Google promise me they weren't 03:53:18
9 going to take it? They should have rejected the 03:53:23
10 information. 03:53:25
11 MR. LEE: Just wait for him to ask the 03:53:26
12 next question. Okay. You're doing fine. 03:53:28
13 THE WITNESS: Okay. 03:53:31
14 BY MR. MATEEN: 03:53:31
15 Q. I'm going to introduce a new exhibit. 03:53:38
16 (Whereupon Exhibit 18 was marked for 12:06:25
17 identification.) 12:06:25
18 BY MR. MATEEN: 03:53:49
19 Q. I've marked this as Exhibit 18. This is 03:53:49
20 the privacy policy for PicCollage as of November 03:54:02
21 2020. 03:54:07
22 MR. LEE: Just give -- give us a moment. 03:54:10
23 We're having some tech issues. Neither of us have 03:54:12
24 the exhibit up yet. 03:54:13
25 MR. MATEEN: No worries. 03:54:15

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1 MR. LEE: Is it 18? 03:54:28

2 MR. MATEEN: It's -- yes, 18. 03:54:30

3 MR. LEE: You're going to have to move 03:54:50

4 this side to side because this is -- 03:54:51

5 THE WITNESS: Okay. 03:54:52

6 MR. LEE: The font is -- 03:54:52

7 THE WITNESS: When was this released? 03:54:53

8 MR. LEE: Do you have a date that this 03:54:54

9 particular document was operative? 03:54:58

10 MR. MATEEN: Yes. November 2020. I can 03:55:02

11 get you the exact date of November 2020 during the 03:55:04

12 break or after. But I can tell you that this is 03:55:11

13 November 2020. 03:55:16

14 THE WITNESS: There it says "5/3/21." 03:55:16

15 MR. LEE: Can you identify -- I can't talk 03:55:19

16 to you, Ms. Harvey, so -- 03:55:25

17 THE WITNESS: Sorry. 03:55:27

18 MR. LEE: I know that you want to, but, 03:55:28

19 unfortunately, that's the rules. 03:55:29

20 THE WITNESS: Okay. I understand. 03:55:31

21 MR. LEE: You can ask him to clarify. 03:55:32

22 THE WITNESS: Okay. 03:55:34

23 MR. LEE: If you have a question about 03:55:35

24 dates and things like that, but you can't ask me. 03:55:36

25 THE WITNESS: Okay. You stated this is in 03:55:39

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1 November of 2020. But right on the second line it 03:55:40
2 says "May 3rd, 2021." So what's the date? 03:55:44
3 BY MR. MATEEN: 03:55:51
4 Q. Where does it say "May 3rd, 2021"? 03:55:53
5 A. Under "Acceptance of Terms" under 03:55:57
6 webarchive.org. Web. That ties to terms of service 03:56:00
7 and everything. 03:56:13
8 Q. Ms. Harvey, can you just -- actually, I'm 03:56:15
9 sorry. I -- I misspoke. Let me -- strike that. 03:56:25
10 I can say for the record that this is 03:56:35
11 taken from the Wayback Machine of what this privacy 03:56:55
12 policy looked like on -- in November 2020. And if 03:57:01
13 you look at the bottom of page 2 -- or page 3, 03:57:04
14 actually, it says "Last Updated January 2020." So 03:57:07
15 this was the privacy policy of PicCollage. 03:57:12
16 MR. LEE: Just listen to him. 03:57:25
17 BY MR. MATEEN: 03:57:29
18 Q. This is the privacy policy of PicCollage 03:57:29
19 that was last updated on the January 2020 and that 03:57:32
20 was in force as of November of 2020. 03:57:38
21 A. Can you tell me when I downloaded it? 03:57:42
22 Q. Ms. Harvey, this -- 03:57:50
23 A. If I downloaded it in 2013, then this 03:57:52
24 would be null and void, right? Because I would have 03:57:56
25 seen it. 03:57:59

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1 I don't remember doing PictureCollage in 03:58:08
2 2020. 03:58:11
3 MR. LEE: On that basis, I'm going to 03:58:21
4 object to -- on foundation for this document or 03:58:23
5 questions related to this document. 03:58:26
6 Do I have a standing objection? 03:58:49
7 MR. MATEEN: Yeah, you have a standing 03:58:51
8 objection. 03:58:52
9 MR. LEE: Okay. Could you hold -- could 03:58:53
10 you hold for a second? My -- my Wi-Fi just went 03:58:53
11 out. 03:58:57
12 MR. MATEEN: Yeah. You're stuck. 03:58:58
13 MR. LEE: Yeah. I'm reconnecting. 03:59:00
14 Okay. I'm back. 03:59:32
15 BY MR. MATEEN: 03:59:33
16 Q. Okay. So I'm sorry. I am looking here at 03:59:34
17 something different than what I've introduced. So 03:59:36
18 I'm now introducing Exhibit 19. That is what I'm 03:59:38
19 looking at here. So we can take Exhibit 18 down. 03:59:41
20 (Whereupon Exhibit 19 was marked for 03:59:46
21 identification.) 03:59:46
22 BY MR. MATEEN: 03:59:49
23 Q. And ensuring that I am, in fact, now 03:59:50
24 introducing the document that I'm looking at and 03:59:55
25 I've now introduced Exhibit 19. Let me know when 03:59:58

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1 you have it in front of you. 04:00:01

2 MR. LEE: Can you read that? 04:00:27

3 THE WITNESS: A little bit. That's going 04:00:29

4 to be fun. 04:00:30

5 MR. LEE: You might have to scroll across. 04:00:33

6 Okay. 04:00:38

7 THE WITNESS: Okay. 04:00:38

8 MR. LEE: Do you have a date, operative 04:00:51

9 date, for this document from the Wayback Machine? 04:00:52

10 MR. MATEEN: Yeah. It's November 2020. 04:00:57

11 MR. LEE: Okay. I have -- do I have the 04:00:58

12 same standing objection on this document? 04:00:59

13 MR. MATEEN: Yes, you do. 04:01:01

14 MR. LEE: Thanks. 04:01:02

15 BY MR. MATEEN: 04:01:03

16 Q. Ms. Harvey, it's -- and you can zoom in if 04:02:20

17 you'd like. It's in very small font. Can you 04:02:22

18 please look at the second and third bullet points 04:02:25

19 underneath the heading "Data Privacy" on the first 04:02:27

20 page? 04:02:30

21 A. Might need to make sure I'm on the first 04:02:39

22 page. 04:02:41

23 MR. LEE: Right here. 04:02:43

24 MR. MATEEN: I can also just read it out 04:02:44

25 loud if -- 04:02:45

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1 MR. LEE: Yeah. No, she's on the right 04:02:47

2 page now. Yeah, if you could read it out loud, that 04:02:48

3 would be helpful. Thank you. 04:02:52

4 BY MR. MATEEN: 04:02:53

5 Q. "We collect this information from you to 04:02:53

6 improve our app's overall performance and the 04:02:55

7 service we provide. We analyze this information 04:02:58

8 with tools provided by third-party companies. These 04:03:00

9 companies include Flurry, Facebook, Firebase, 04:03:03

10 Google, Amplitude, Fabric." 04:03:06

11 Did you read this line when you downloaded 04:03:10

12 PicCollage? 04:03:13

13 A. Yeah, I -- I read the privacy policies. 04:03:13

14 What does that have to do with mine and 04:03:19

15 Google's agreement? 04:03:21

16 Q. Can you repeat that? I didn't hear you. 04:03:24

17 A. What does that have to do what Google 04:03:26

18 promised me? There's an off button. They weren't 04:03:29

19 supposed to be taking it. They should have rejected 04:03:32

20 information. 04:03:36

21 Q. Were you aware that PicCollage uses Google 04:03:36

22 and Firebase for analytic services? 04:03:42

23 A. As I stated before, if I make an agreement 04:03:47

24 with Google that tells them don't take my 04:03:50

25 information, don't process it, don't store it, don't 04:03:53

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1 use it, don't share it, don't do anything, then I'm 04:03:55
2 thinking that Google would reject information and 04:03:59
3 not send it to anybody because they wouldn't have it 04:04:02
4 in the first place. 04:04:04
5 Q. Ms. Harvey, can you please answer my 04:04:05
6 question? Were you aware that PicCollage used 04:04:06
7 Google and Firebase for analytic services? 04:04:09
8 A. Doesn't matter if they use it or not. 04:04:12
9 They shouldn't have received anything from me. And 04:04:13
10 if they sent it over to Google, they should have 04:04:16
11 rejected it because Google knew there was an 04:04:19
12 agreement. 04:04:27
13 (Reporter request for clarification.) 04:04:29
14 THE WITNESS: If you can't do it, don't 04:04:33
15 offer it. 04:04:35
16 BY MR. MATEEN: 04:04:35
17 Q. Ms. Harvey, I'm going to ask you again: 04:04:36
18 Did you know that PicCollage used Google and 04:04:37
19 Firebase for analytic services? 04:04:46
20 A. They can use whatever they would like. If 04:04:51
21 I have an agreement with Google that tells them not 04:04:54
22 to touch my personal information, and Google 04:04:56
23 promises me they're not going to do that and I'm 04:04:59
24 going to be in control, that information, they 04:05:02
25 wouldn't have it in the first place to be able to 04:05:04

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1 send to PicCollage, and they wouldn't have it -- or 04:05:06
2 to receive because they should have rejected it. 04:05:09
3 Are you telling me PicCollage's terms and 04:05:12
4 conditions are stronger than Google's when it's an 04:05:18
5 agreement with Google? 04:05:22
6 Q. Ms. Harvey, I'm not trying to argue with 04:05:25
7 you. I just need to understand what you knew and 04:05:27
8 didn't know and when. 04:05:30
9 Did you know that PicCollage and Google 04:05:32
10 had -- strike that. 04:05:36
11 Did you know that PicCollage uses Google 04:05:44
12 and Firebase for its analytic services? 04:05:47
13 MR. LEE: So, Ms. Harvey, you're perfectly 04:05:50
14 allowed to provide context for an answer the way you 04:05:52
15 did. But I think what Mr. Mateen is asking for is, 04:05:54
16 first, to answer his question about whether you 04:05:57
17 recall reading the privacy policy in this specific 04:06:00
18 sentence that he read, and then you can give your 04:06:05
19 explanation after that. 04:06:07
20 THE WITNESS: No, I don't recall seeing 04:06:08
21 this. 04:06:09
22 But the whole thing is, I wouldn't have to 04:06:10
23 see it because I had an agreement with Google. And 04:06:12
24 Google should have had any information to be able to 04:06:14
25 provide in the first place, and they wouldn't be 04:06:17

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1 accepting anybody because they already told -- any 04:06:19
2 information because they already told me they 04:06:22
3 weren't going to. 04:06:24
4 BY MR. MATEEN: 04:06:37
5 Q. I think we can move on from this document. 04:06:37
6 A. Thank you. 04:06:40
7 Q. Are you aware that you give app developers 04:06:54
8 consent to obtain your data? 04:06:58
9 MR. LEE: Objection to form. Vague. 04:07:01
10 BY MR. MATEEN: 04:07:02
11 Q. You can answer, Ms. Harvey. 04:07:06
12 MR. LEE: Is WAA on or off in this 04:07:08
13 question, sir? 04:07:11
14 BY MR. MATEEN: 04:07:13
15 Q. You can answer, Ms. Harvey. 04:07:13
16 A. Is WAA -- 04:07:15
17 MR. LEE: Then -- 04:07:16
18 THE WITNESS: -- on or off? 04:07:16
19 MR. LEE: Go ahead. 04:07:19
20 THE WITNESS: Because if it's off, there 04:07:20
21 wouldn't be any collection because there wouldn't be 04:07:22
22 anything to collect. 04:07:25
23 BY MR. MATEEN: 04:07:29
24 Q. Ms. Harvey, are you aware that, generally, 04:07:42
25 app developers get consent from you to obtain your 04:07:45

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1 data? 04:07:49

2 MR. LEE: Objection. Vague. 04:07:50

3 BY MR. MATEEN: 04:07:51

4 Q. You can answer. 04:07:56

5 A. Data from who? From Google? I did answer 04:07:58

6 that. 04:08:07

7 Q. Ms. Harvey, are you aware that app 04:08:13

8 developers get your consent to obtain your data? 04:08:14

9 A. Yes, I'm aware that I sign -- that I agree 04:08:21

10 to terms and conditions. That has nothing to do 04:08:23

11 with my agreements with Google. Google should 04:08:26

12 reject it and not have any in the first place to be 04:08:29

13 able to provide. 04:08:32

14 My Web & App Activity is off. If somebody 04:08:35

15 wants to have theirs on, that's their choice, but I 04:08:39

16 did not want that info collected. If they want to 04:08:43

17 ask about my app, go ahead. The app that they own. 04:08:46

18 Q. So to be clear, if you've accepted the 04:09:07

19 terms and conditions of an app like Candy Crush, you 04:09:10

20 don't have any issue with the developers of 04:09:13

21 Candy Crush obtaining your data, right? 04:09:16

22 A. That's not what I stated. 04:09:19

23 Q. Well -- 04:09:22

24 A. I stated -- 04:09:22

25 (Simultaneous colloquy.) 04:09:24

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1 MR. LEE: She was about to tell you. 04:09:25

2 Go ahead. 04:09:26

3 THE WITNESS: What I stated was I asked 04:09:26

4 Google not to do any of that. There's an option 04:09:29

5 that says I can control whether they do it. I turn 04:09:32

6 my mine off, and they did it anyway. Regardless 04:09:35

7 what the app developers put on there, my account is 04:09:39

8 with Google. That was a promise Google made to me. 04:09:42

9 They should have either rejected it or not sent it 04:09:45

10 because they wouldn't have it in the first place. 04:09:48

11 BY MR. MATEEN: 04:09:51

12 Q. Thank you, Ms. Harvey. 04:09:52

13 I'm just asking to leave Google out of the 04:09:53

14 your mind for the moment and let's just focus on 04:09:56

15 Candy Crush. 04:09:58

16 If you have accepted terms and conditions 04:10:02

17 with Candy Crush, do you have an issue with 04:10:05

18 Candy Crush obtaining your data? 04:10:07

19 A. From Google, yes. 04:10:12

20 Q. Ms. Harvey, are you suggesting that 04:10:20

21 Candy Crush obtains your data from Google? 04:10:22

22 A. What I'm stating is I have -- you're 04:10:26

23 asking me if because somebody puts it in the terms 04:10:29

24 and conditions, if that nixes out Google's agreement 04:10:34

25 with me, and it does not. So google should have 04:10:38

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1 rejected a request or taken any information because 04:10:40
2 they promised me they would. 04:10:43
3 Q. Does Google share your data with 04:10:48
4 Candy Crush? 04:10:50
5 A. I believe it does. 04:10:51
6 Q. What data does Google share with 04:11:02
7 Candy Crush? 04:11:06
8 MR. LEE: Objection to form. Calls for 04:11:08
9 expert opinion. 04:11:09
10 Answer if you can. 04:11:11
11 THE WITNESS: Device information, 04:11:12
12 location, activity, all -- there's all kinds of 04:11:13
13 different information. Identifiers, everything. 04:11:19
14 BY MR. MATEEN: 04:11:25
15 Q. Why do you think Google is sharing 04:11:25
16 information about you with Candy Crush? 04:11:27
17 A. Because I've -- I have attorneys that 04:11:29
18 have -- 04:11:32
19 MR. LEE: Oh. 04:11:34
20 THE WITNESS: -- they're handling that. 04:11:34
21 MR. LEE: Okay. That's fine. 04:11:37
22 BY MR. MATEEN: 04:11:40
23 Q. Is Candy Crush sharing information about 04:11:46
24 you with Google? 04:11:48
25 MR. LEE: Objection. Calls for an expert 04:11:50

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1 opinion. 04:11:51

2 BY MR. MATEEN: 04:11:51

3 Q. You can answer. 04:11:54

4 A. I believe that they are. 04:11:57

5 Q. And what information do you believe 04:12:02

6 Candy Crush is sharing with Google? 04:12:04

7 A. I stated that, but let's go. Under the 04:12:06

8 Web & App Activity, it shows searches and other 04:12:11

9 things that you do on Google products and with -- 04:12:13

10 and services, like Google Maps, Google Play, your 04:12:15

11 location, language, IP address, refer, and whether 04:12:18

12 you are using a browser or an app. 04:12:23

13 Ads you click on. Things you buy or 04:12:26

14 advertisements on sites -- or advertiser sites. 04:12:28

15 Information on your device, like recent apps or 04:12:31

16 contact name to search for. Sites and apps that 04:12:35

17 partner with Google to show ads. 04:12:39

18 Sites and apps that use Google services, 04:12:41

19 including data that apps share with Google. Your 04:12:43

20 current browser history and to let that happen, I 04:12:46

21 had to have it on, and I didn't. I requested that 04:12:50

22 they be off. That's Web & App Activity. 04:12:52

23 Q. Ms. Harvey, do you believe that 04:13:02

24 Candy Crush is sharing your Chrome browsing history 04:13:04

25 with Google? 04:13:07

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1 MR. LEE: Objection to form. 04:13:09

2 Mischaracterizes. 04:13:11

3 BY MR. MATEEN: 04:13:12

4 Q. You can answer. 04:13:18

5 A. I don't believe Candy Crush is. I believe 04:13:20

6 Google is. I don't have an agreement with 04:13:22

7 Candy Crush. 04:13:25

8 Q. I just want -- I want to clarify some 04:13:39

9 earlier testimony from you. 04:13:41

10 I asked what information you believe 04:13:43

11 Candy Crush is sharing with Google, and you 04:13:45

12 responded with the list of things that Google 04:13:47

13 collects when Web & App Activity is on. So that's 04:13:52

14 where my confusion is coming from. 04:13:57

15 MR. LEE: Hold on. Is that your question? 04:14:02

16 MR. MATEEN: My question's coming. 04:14:04

17 MR. LEE: Okay. I just want to make sure. 04:14:06

18 BY MR. MATEEN: 04:14:07

19 Q. To clarify, Ms. Harvey, do you or do you 04:14:16

20 not believe that Candy Crush is sharing information 04:14:20

21 from Google products with Google? Because that was 04:14:26

22 the answer that you gave me when I asked. 04:14:29

23 MR. LEE: Objection. 04:14:32

24 BY MR. MATEEN: 04:14:32

25 Q. Is Candy Crush sharing with Google? 04:14:33

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1 MR. LEE: Objection. Mischaracterizes her 04:14:35
2 prior testimony. Also calls for an expert opinion. 04:14:35
3 BY MR. MATEEN: 04:14:40
4 Q. You can answer, Ms. Harvey. 04:14:42
5 A. I don't believe that Candy Crush is 04:14:44
6 sharing -- sharing Chrome with Google. I believe 04:14:45
7 Google is sharing that information with Candy Crush, 04:14:48
8 and they're taking information from their app. 04:14:50
9 Q. And what is Candy Crush sharing with 04:14:57
10 Google? 04:14:59
11 A. Anything I do on the app. 04:15:00
12 Q. Can you give an example of what "anything 04:15:09
13 you do on the app" is? 04:15:11
14 A. Change levels. If I'm talking to them. 04:15:12
15 If I go to their actual Web site. Anything. 04:15:15
16 Anything that's done to do with that app. And 04:15:18
17 Google shouldn't have any of that information. 04:15:22
18 Q. Do you have an issue with app developers 04:15:49
19 generally using your data for analytics? 04:15:52
20 A. They're not supposed to be using it for 04:15:57
21 analytics. 04:15:59
22 MR. LEE: Hold on. 04:16:00
23 Objection. Vague. 04:16:01
24 BY MR. MATEEN: 04:16:07
25 Q. Ms. Harvey, you can answer. 04:16:08

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1	A. I just did. Because Google should be	04:16:09
2	rejecting anything because I -- if they're not, I'm	04:16:14
3	not in control, am I?	04:16:18
4	Q. Do you have an issue with app developers	04:16:20
5	using companies other than Google for analytics?	04:16:22
6	MR. LEE: Objection. Vague.	04:16:29
7	Do you understand his question?	04:16:38
8	THE WITNESS: Not really, no.	04:16:39
9	This was for Google.	04:16:45
10	BY MR. MATEEN:	04:16:47
11	Q. Ms. Harvey, I can't hear you.	04:16:47
12	MR. LEE: She says she doesn't understand	04:16:48
13	your question.	04:16:50
14	BY MR. MATEEN:	04:16:51
15	Q. Ms. Harvey, what do you not understand	04:16:53
16	about the question?	04:16:54
17	A. The whole question.	04:16:55
18	Q. Is there anything in particular that you	04:16:58
19	don't understand about it?	04:16:59
20	A. The whole question.	04:17:01
21	MR. LEE: Counsel, just rephrase your	04:17:03
22	question, please. Don't harass the witness.	04:17:04
23	BY MR. MATEEN:	04:17:12
24	Q. Ms. Harvey, do you know what an analytic	04:17:14
25	service is?	04:17:16

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1	A. I know what --	04:17:17
2	MR. LEE: Asked and answered.	04:17:18
3	THE WITNESS: Yeah.	04:17:19
4	BY MR. MATEEN:	04:17:24
5	Q. You can answer, Ms. Harvey.	04:17:24
6	A. It's something Google makes to --	04:17:25
7	something Google makes for the developers.	04:17:27
8	Q. Are you aware that there are companies	04:17:31
9	other than Google that make analytic services?	04:17:33
10	A. Yes, I am.	04:17:39
11	Q. Do you have an issue if an analytic	04:17:48
12	service other than Google gets your data from an app	04:17:53
13	developer?	04:17:57
14	A. Depends. Do I have an agreement with	04:17:58
15	them?	04:18:00
16	Q. Let's say no.	04:18:07
17	A. If I don't have an agreement with them,	04:18:09
18	I'm pretty sure they probably don't have as much	04:18:10
19	information as Google does.	04:18:14
20	Q. Why are you pretty sure that they don't	04:18:27
21	have as much information as Google does?	04:18:31
22	A. Google is the biggest -- biggest data	04:18:33
23	company in the world. I know better than that. Not	04:18:36
24	every analytics company has much information as	04:18:40
25	Google does on -- or any other consumer.	04:18:42

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1 Q. Do you think that Google gets more 04:18:48
2 information from app developers for analytics than 04:18:51
3 other analytic services that aren't operated by 04:19:00
4 Google? 04:19:03
5 MR. LEE: Objection. Mischaracterizes her 04:19:04
6 testimony. 04:19:05
7 BY MR. MATEEN: 04:19:06
8 Q. You can answer. 04:19:07
9 A. State that again. 04:19:10
10 Q. Yeah, I'll rephrase this. 04:19:14
11 Let's say you use Candy Crush. The 04:19:19
12 developer of Candy Crush wants analytics information 04:19:22
13 on app usage. They contract with an analytic 04:19:26
14 service that's made by a company that isn't Google. 04:19:34
15 Do you have an issue -- and you don't have 04:19:43
16 an agreement with that company. 04:19:45
17 Do you -- 04:19:54
18 A. Well -- 04:19:55
19 MR. LEE: Let him finish. 04:19:55
20 BY MR. MATEEN: 04:19:56
21 Q. Do you think that Candy Crush is sending 04:19:56
22 less information to that company than it would if 04:20:00
23 that company were Google? 04:20:03
24 MR. LEE: Objection to form. Vague as to 04:20:06
25 WAA on or off. Vague as to what "agreement" means. 04:20:07

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1 Incomplete hypothetical. Lack of foundation. Calls 04:20:11
2 for speculation. 04:20:15
3 BY MR. MATEEN: 04:20:16
4 Q. You can answer. 04:20:16
5 A. Google does have more information because 04:20:20
6 my device is an Android device. 04:20:22
7 (Reporter request for clarification.) 04:20:26
8 THE WITNESS: Another analytics company 04:20:34
9 doesn't own Android. So Google's got all of my 04:20:36
10 information. 04:20:40
11 BY MR. MATEEN: 04:20:42
12 Q. I understand, Ms. Harvey, what you're 04:20:42
13 saying here. 04:20:45
14 I'm trying to ask about the information 04:20:46
15 that an app developer like Candy Crush is sending to 04:20:48
16 an analytic service. 04:20:53
17 Do you understand the distinction I'm 04:20:55
18 trying to draw here? 04:20:57
19 A. Well, like I stated, whatever other 04:21:00
20 analytics company wouldn't have the information that 04:21:04
21 Google has on me, so it wouldn't be as offensive as 04:21:06
22 what Google has. 04:21:11
23 Q. So is it more offensive if Google is 04:21:13
24 receiving data from an app developer because Google 04:21:16
25 already has information about you? 04:21:20

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1	A. It's more offensive because I have an	04:21:24
2	agreement with them, and they said they wouldn't do	04:21:26
3	it. The button doesn't work.	04:21:29
4	MR. LEE: Something happening?	04:21:42
5	THE WITNESS: No. I can't see him.	04:21:45
6	MR. LEE: Sorry. Just fixing a technical	04:21:49
7	issue.	04:21:51
8	BY MR. MATEEN:	04:22:45
9	Q. I'm going to introduce a new exhibit.	04:22:45
10	MR. MATEEN: Sean, could you give us a	04:23:28
11	time check, please.	04:23:30
12	THE VIDEO OPERATOR: 5:25.	04:23:32
13	MR. LEE: I'm sorry? Say that again.	04:23:38
14	THE VIDEO OPERATOR: Five hours, 25	04:23:39
15	minutes at the moment.	04:23:41
16	MR. LEE: Thanks.	04:23:48
17	MR. MATEEN: We've been going about 50	04:23:49
18	minutes or so. Why don't we take a break, say five	04:23:51
19	minutes.	04:23:54
20	MR. LEE: Sure.	04:23:54
21	THE VIDEO OPERATOR: Going off the record.	04:23:56
22	The time is 4:23 p.m.	04:23:57
23	(Off the record at 4:23 p.m. and back on	04:23:59
24	the record at 4:36 p.m.)	04:36:44
25	THE VIDEO OPERATOR: Back on the record.	04:36:45

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1 The time is 4:36 p.m. 04:36:46

2 MR. MATEEN: We're almost there, 04:37:01

3 Ms. Harvey. I'm going to try to get you home as 04:37:02

4 soon as possible. So -- 04:37:05

5 THE WITNESS: Thank you. 04:37:06

6 MR. MATEEN: -- thank you for bearing with 04:37:06

7 us. 04:37:08

8 THE WITNESS: Oh, that's okay. 04:37:09

9 MR. MATEEN: I'm introducing a new 04:37:14

10 exhibit. 04:37:16

11 (Whereupon Exhibit 20 was marked for 04:37:17

12 identification.) 04:37:17

13 BY MR. MATEEN: 04:37:35

14 Q. I've marked this as Exhibit 20. For the 04:37:36

15 record, this is -- Exhibit 20 is also Exhibit A to 04:37:38

16 the third amended complaint here. And it's Google's 04:37:44

17 privacy policy. 04:37:49

18 MR. LEE: And, for the record, it's the 04:37:49

19 one effective July 1, 2020. 04:37:57

20 BY MR. MATEEN: 04:37:59

21 Q. Ms. Harvey, let me know when you're ready. 04:38:14

22 A. Okay. Go ahead. 04:38:16

23 Oh, you want me to read it? I'm sorry. I 04:38:17

24 didn't catch that. 04:38:20

25 (Witness reviewing document.) 04:38:23

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1 MR. LEE: The hard copy. 04:39:32

2 THE WITNESS: It's the same thing. 04:39:34

3 BY MR. MATEEN: 04:39:36

4 Q. Ms. Harvey -- Ms. Harvey, I see that you 04:40:04

5 are using a hard copy. 04:40:06

6 Are there any annotations on that hard 04:40:08

7 copy? 04:40:11

8 A. Annotations like notes or something? No. 04:40:12

9 Q. Highlights, anything like that? 04:40:15

10 A. I've highlighted certain areas myself. 04:40:16

11 Q. What have you highlighted? 04:40:18

12 A. Things like "When you use our services," 04:40:22

13 and then I could be in control. Your -- "What your 04:40:24

14 services include." "And across our services, you 04:40:28

15 can adjust your privacy settings to control what we 04:40:33

16 collect and how your information is used." 04:40:38

17 MR. LEE: I think there's another 04:40:39

18 highlight on a later page. 04:40:40

19 THE WITNESS: Oh, yes, there definitely 04:40:43

20 is. Privacy controls, activity controls, by what 04:40:45

21 types of activities you'd like to save into your 04:40:49

22 account. For example, you can -- but that's the 04:40:51

23 main thing that I have highlighted. 04:40:53

24 And then next page I have, under My 04:40:56

25 Activity, "My Activity allows you to" -- 04:40:58

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1 (Reporter request for clarification.) 04:41:10

2 THE WITNESS: It says: "My Activity 04:41:10

3 allows you to review and control data that's created 04:41:11

4 when you use Google services." And that's what's 04:41:16

5 highlighted. 04:41:19

6 BY MR. MATEEN: 04:41:19

7 Q. Okay. And then I see that there's a 04:41:20

8 Post-it note on the side of the page. 04:41:22

9 Is there anything on the Post-it note? 04:41:25

10 A. No. 04:41:27

11 Q. Why is it there? 04:41:28

12 A. It's there to mark my privacy controls 04:41:30

13 page. 04:41:32

14 Q. Okay. Thank you. 04:41:33

15 MR. MATEEN: And, James, could you just 04:41:34

16 send us a copy of just the picture of the highlights 04:41:36

17 and everything? 04:41:39

18 MR. LEE: We'll -- we'll e-mail it to you. 04:41:39

19 MR. MATEEN: And then can you also just 04:41:42

20 let us know that this is same version of the privacy 04:41:44

21 policy that we've introduced as the exhibit? 04:41:48

22 MR. LEE: Yeah. So I think that this is 04:41:51

23 the 2018. But it looks identical to me, so... 04:41:52

24 MR. MATEEN: In that case, just for good 04:41:57

25 measure, could we have Ms. Harvey use the one we've 04:41:59

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1 introduced as the exhibit? 04:42:03

2 MR. LEE: Sure. But I'll tell her that 04:42:05

3 she can refer back to the hard copy if she likes 04:42:06

4 just because she was having trouble toggling with 04:42:09

5 the mouse through the privacy policy. 04:42:13

6 MR. MATEEN: If that -- if that is the 04:42:16

7 case, then I'll -- let me know and let me know if 04:42:18

8 there's a -- 04:42:21

9 MR. LEE: That's how we got here, Harris, 04:42:23

10 is that she had -- I don't know if you heard. But 04:42:24

11 she was having trouble scrolling down the thing. So 04:42:26

12 I said, "I think it's the same as the hard copy," 04:42:29

13 which is why she started looking at the hard copy. 04:42:32

14 MR. MATEEN: Okay. Well -- 04:42:40

15 MR. LEE: If you want to direct her to a 04:42:40

16 certain page in there. 04:42:42

17 MR. MATEEN: I don't have a mental model 04:42:44

18 of all the different changes in the privacy policy 04:42:45

19 at hand. But as far as there's any discrepancies, 04:42:49

20 we can just find it as they come along. 04:42:52

21 MR. LEE: Sure. 04:42:55

22 MR. MATEEN: No issue. 04:42:56

23 BY MR. MATEEN: 04:42:57

24 Q. So, Ms. Harvey, did you read Google's 04:42:59

25 privacy policy when you created your miss- -- your 04:43:03

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1 [REDACTED]@gmail.com account? 04:43:08

2 A. Yes, I looked through it. Yes. 04:43:13

3 Q. Did you read it when you created your 04:43:22

4 [REDACTED]? 04:43:23

5 A. I believe I did. 04:43:26

6 Did I go through all -- every single page 04:43:28

7 on here? No, I can't say that I did. But I turned 04:43:30

8 Web & App Activity off. So it's really irrelevant, 04:43:33

9 isn't it? For the part of about My Activity and all 04:43:35

10 this different stuff? 04:43:41

11 MR. LEE: Just try to answer his question. 04:43:43

12 THE WITNESS: Okay. 04:43:45

13 BY MR. MATEEN: 04:43:45

14 Q. What are you saying is irrelevant? 04:43:46

15 A. Well, if your activity's off, then this 04:43:48

16 stuff isn't supposed to be saved. 04:43:51

17 Q. Your [REDACTED]@gmail.com account, did you 04:44:08

18 also read this privacy policy before setting it up? 04:44:14

19 A. I believe I did. But that's been 12 years 04:44:19

20 ago, so I don't want to say verbatim that I did. I 04:44:22

21 know when I shut off my activity controls, there was 04:44:25

22 a thing that lets me control the activity through 04:44:28

23 Web & App Activity that I read what it said. And it 04:44:31

24 said that the information couldn't be collected, 04:44:34

25 used, or shared, or -- or anything. Nothing could 04:44:36

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1 be done with it. It wouldn't be on my account. 04:44:39

2 Q. How closely did you read the privacy 04:44:44

3 policy when you set up your account? 04:44:47

4 MR. LEE: Objection. Vague as to which 04:44:50

5 account. 04:44:52

6 BY MR. MATEEN: 04:44:53

7 Q. I can rephrase. 04:44:54

8 How closely did you read the privacy 04:44:55

9 policy when you set up [REDACTED]@gmail.com? 04:44:57

10 A. I immediately went in and changed the 04:45:01

11 privacy to shut it off so that the information 04:45:03

12 couldn't be collected. 04:45:07

13 So if it wasn't being collected, it's sort 04:45:08

14 of -- a lot of this stuff is sort of mute because if 04:45:12

15 it's on, it's going to be collected, and I would 04:45:15

16 need to read it. But if it's off, you're not 04:45:17

17 collecting it. 04:45:20

18 Q. How do you know it's mute? 04:45:21

19 A. For what I just said. If it's off, then 04:45:23

20 you're not collecting it. So why would these 04:45:26

21 different things that are being collected at the 04:45:30

22 time matter if when it's off, it's not collected. 04:45:33

23 I shut it off to control my information 04:45:37

24 and did not want it collected, saved, used, nothing. 04:45:39

25 Shared nothing. 04:45:48

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1 Q. How do you know what's in the privacy 04:45:50
2 policy? 04:45:51
3 A. Because I've looked at it. 04:45:51
4 Q. And so I'm asking: How closely did you 04:45:55
5 look at it? 04:45:57
6 A. The part regarding the WAA button I looked 04:45:58
7 at. That's why I shut off. 04:46:02
8 Q. Ms. Harvey, can you look at page 13 of 04:47:34
9 this exhibit? 04:47:37
10 MR. LEE: There's no page numbers. 04:47:38
11 MR. MATEEN: This is -- actually, it's a 04:47:39
12 court filing. So on the court filing, it's -- 04:47:41
13 MR. LEE: Oh, at the top, yes. 04:47:46
14 MR. MATEEN: At the top. 04:47:51
15 MR. LEE: So 13 from the -- indicated on 04:47:54
16 the top. 04:47:54
17 MR. MATEEN: Yes, page 13 of 32. 04:47:55
18 BY MR. MATEEN: 04:48:30
19 Q. Let me know when you're at page 13. 04:48:30
20 A. No, I am. I'm reading it right now. 04:48:32
21 (Witness reviewing document.) 04:48:37
22 THE WITNESS: Okay. 04:48:44
23 BY MR. MATEEN: 04:48:45
24 Q. If you look at the last paragraph, it 04:48:49
25 says: "We may share nonpersonally identifiable 04:48:51

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1 information publicly and with our partners, like 04:48:56
2 publishers, advertisers, developers, or rights 04:48:58
3 holders. For example, we share information publicly 04:49:01
4 to show trends about the general use of our 04:49:05
5 services. We also allow specific partners to 04:49:08
6 collect information from your browser or device for 04:49:11
7 advertising and measurement purposes using their own 04:49:13
8 cookies or similar technologies." 04:49:17

9 A. Okay. I see that. Is that with 04:49:21
10 Web & App Activity on or off? Because I shut mine 04:49:25
11 off and there -- this would, again, be a point 04:49:28
12 because I asked you not to. Unless you disclose it 04:49:31
13 to me and tell me you're doing it, it shouldn't be 04:49:34
14 done. 04:49:36

15 Q. Did you read this paragraph when you 04:49:41
16 reviewed the privacy policy before setting up your 04:49:44
17 [REDACTED]@gmail.com account? 04:49:48

18 A. I will state again: With 04:49:51
19 Web & App Activity on -- or off -- excuse me -- I 04:49:52
20 would expect that nothing would be shared. It 04:49:56
21 doesn't -- it's not to make your services better. 04:50:01
22 It's not with your partners. It's not with anybody 04:50:03
23 because it's turned off so I can control where my 04:50:06
24 information goes. This paragraph here seems like it 04:50:09
25 would point more towards Web & App Activity on. 04:50:12

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1 Q. Ms. Harvey, I'm sorry. I'm really -- I'm 04:50:16
2 not trying to argue here. 04:50:18
3 My question is just simply if you read 04:50:20
4 this when you set up your [REDACTED]@gmail.com 04:50:22
5 account. 04:50:25
6 A. I've seen this paragraph, yes, but it has 04:50:26
7 nothing to do with my account. 04:50:30
8 Q. And can you tell me why it has nothing to 04:50:33
9 do with your account? 04:50:35
10 A. Because my Web & App Activity was off. 04:50:38
11 Where does it say Web & App Activity is off on here? 04:50:39
12 I don't see it. It doesn't say, "We're going to 04:50:42
13 share it if your activity's off." It says, "We may 04:50:46
14 share it." 04:50:51
15 Well, you told me you wouldn't. So why 04:50:52
16 would I be worried about this unless I'm not being 04:50:54
17 told the truth. 04:50:58
18 Q. What do you interpret "nonpersonally 04:51:05
19 identifiable information" to mean? 04:51:08
20 A. Doesn't matter what it is. It doesn't 04:51:10
21 point to Web & App Activity off. Mine is off. 04:51:14
22 Nothing should be shared. I don't care if it's 04:51:17
23 nonpersonally identifiable. Because my device 04:51:20
24 identifiers and certain identifiers that Google has 04:51:23
25 is private. And that's what I was pointing towards 04:51:26

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1 when I said I don't want anything shared. 04:51:32

2 Q. Ms. Harvey, I'm going to have to ask you 04:51:40

3 again and just ask for a direct answer to my 04:51:42

4 question, which is simply: What do you "interpret 04:51:44

5 nonpersonally identifiable information" to mean? 04:51:48

6 MR. LEE: Asked and answered. 04:51:51

7 BY MR. MATEEN: 04:51:52

8 Q. You can answer. 04:51:53

9 MR. LEE: You can answer again if you can. 04:51:54

10 THE WITNESS: Like I stated, it doesn't 04:51:56

11 matter what the information is. My 04:51:57

12 Web & App Activity is off, and nothing should be 04:51:59

13 shared. I don't care -- because there's certain 04:52:02

14 things regarding nonpersonally identify information 04:52:05

15 that is identifiable, like my device ID, IP address, 04:52:08

16 location, different identifiers Google has. That's 04:52:14

17 all identifiable information. Next guy down the 04:52:20

18 street doesn't have my same identifiers. 04:52:25

19 BY MR. MATEEN: 04:52:27

20 Q. Ms. Harvey, I asked you what you 04:52:33

21 interpreted "nonpersonally identifiable information" 04:52:34

22 to mean, and you responded saying it doesn't matter. 04:52:37

23 My question was not if nonpersonally 04:52:40

24 identifiable information matters or not. My 04:52:43

25 question was: What do you interpret it to mean? In 04:52:46

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1 your response you mentioned device ID and location. 04:52:49

2 Do you consider device ID and location to 04:52:54

3 be an example of nonpersonally identifiable 04:52:57

4 information? 04:53:00

5 MR. LEE: Objection. Mischaracterizes. 04:53:01

6 BY MR. MATEEN: 04:53:03

7 Q. You can answer. 04:53:05

8 A. Any information that's shared about me is 04:53:06

9 what I consider any personally identifiable 04:53:09

10 information regardless non- -- you guys -- if Google 04:53:11

11 feels like it's nonpersonally identifiable, I'm 04:53:14

12 stating: Any information to do with me is 04:53:17

13 identifiable or anybody else that has this button 04:53:20

14 off that says nothing's going to be shared. Because 04:53:25

15 this says with the partners. No, I was told that 04:53:27

16 that wouldn't happen. 04:53:31

17 So why should anything be shared? Non -- 04:53:34

18 Q. Ms. Harvey? 04:53:39

19 A. -- or personal. 04:53:39

20 I want no information shared. 04:53:48

21 It doesn't say in Web & App Activity if 04:53:52

22 you turn it off, that nonpersonally identifiable 04:53:54

23 information is going to be shared. It says no 04:53:58

24 information is going to be shared. I think "no" 04:54:00

25 means none; we won't do it. 04:54:04

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1 Now, if it was law enforcement? Okay. 04:54:07

2 That -- that's a little bit different. But your 04:54:09

3 partners aren't law enforcement. 04:54:14

4 Q. Do you distinguish in any way between 04:54:56

5 personally identifiable information and 04:54:58

6 nonpersonally identifiable information? 04:54:59

7 MR. LEE: Asked and answered. 04:55:02

8 BY MR. MATEEN: 04:55:03

9 Q. You can answer. 04:55:04

10 A. Any information that is shared shouldn't 04:55:06

11 have been saved in the first place. I was told it 04:55:09

12 would not be, so how could it be shared? There's no 04:55:13

13 way for it to be shared, right? Because google 04:55:16

14 didn't do it, right? The button said no. That's 04:55:18

15 false sense of security there. 04:55:22

16 It should have been ruled out, lined out 04:55:27

17 exactly. This isn't under the Web & App Activity 04:55:29

18 button, is it? 04:55:33

19 MR. LEE: For the record, she's indicating 04:55:37

20 the screen, page 13, the language Mr. Mateen has 04:55:39

21 been referencing. 04:55:42

22 MR. MATEEN: James, I didn't hear the last 04:55:45

23 part of your sentence. 04:55:46

24 MR. LEE: I said, just for the record, 04:55:47

25 she's indicating towards the screen, page 13 of this 04:55:47

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1 exhibit, the language that Mr. Mateen has been 04:55:52
2 referencing. 04:55:54
3 MR. MATEEN: Thank you. 04:55:55
4 MR. LEE: I don't think you can see her 04:55:56
5 hands from your vantage point. 04:55:58
6 THE WITNESS: Sorry. 04:56:01
7 MR. LEE: Okay. You're fine. 04:56:02
8 BY MR. MATEEN: 04:56:10
9 Q. When Google wrote, "We may share 04:56:11
10 nonpersonally identifiable information," what 04:56:14
11 information do you think that Google was referring 04:56:19
12 to? 04:56:22
13 A. I don't care. 04:56:24
14 MR. LEE: Calls for speculation. 04:56:25
15 THE WITNESS: Yeah, it doesn't matter. 04:56:25
16 Keyword and information. 04:56:29
17 BY MR. MATEEN: 04:56:31
18 Q. Ms. Harvey, I'm not asking if it matters. 04:56:32
19 I'm asking what you think this term is defined as, 04:56:34
20 as defined by Google. 04:56:38
21 A. How would Google have any information with 04:56:42
22 my Web & App Activity off? It wouldn't have it. So 04:56:44
23 how does this refer to me? It shouldn't be 04:56:51
24 anywhere. 04:57:02
25 MR. LEE: Let me try to short-circuit 04:57:03

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1 this. 04:57:04

2 He's just asking if you can define this 04:57:05

3 term. And if you can't, that's fine. 04:57:07

4 THE WITNESS: Not -- not necessarily. But 04:57:09

5 I know that there's information that gets 04:57:10

6 transferred that doesn't need to be transferred. I 04:57:14

7 don't want anything transferred. 04:57:17

8 BY MR. MATEEN: 04:57:20

9 Q. Ms. Harvey, you just testified, "How would 04:57:54

10 Google have any information with my 04:57:58

11 Web & App Activity off? It wouldn't have it." 04:58:00

12 A. Excuse me? 04:58:07

13 Q. I'm repeating back your testimony to you, 04:58:09

14 which was that with Web & App Activity off, Google 04:58:10

15 wouldn't have it. 04:58:16

16 A. Have any information about me saved 04:58:19

17 somewhere else other than what I have saved on my 04:58:21

18 account. And they shouldn't be accessing that. 04:58:24

19 "Web & App Activity off. We won't share your 04:58:26

20 information. You're in control." 04:58:30

21 Where's the control come in with this 04:58:32

22 sentence? 04:58:34

23 Q. With Web & App Activity off, would Google 04:58:39

24 have a record of what your Gmail address is? 04:58:41

25 A. They should know what the account is, 04:58:46

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1 sure. 04:58:47

2 Q. Would they know what the phone number 04:58:55

3 associated with the account is? 04:58:57

4 A. I'm sure they would. 04:58:58

5 Q. When Web & App Activity is off, do you 04:59:04

6 expect them to know the phone number associated with 04:59:06

7 the account? 04:59:08

8 A. I expect them to be able to identify the 04:59:09

9 account but nothing that goes on with the account. 04:59:11

10 And they definitely shouldn't be sharing it with 04:59:16

11 anybody, publicly or with partners as this states. 04:59:19

12 I don't want anything out in public. 04:59:22

13 Q. If you have Web & App Activity off and you 04:59:26

14 open Google Maps, would you expect Google to know 04:59:28

15 your location on Google Maps? 04:59:35

16 A. Well, if I put in the address. But it 04:59:40

17 shouldn't automatically have it, no. 04:59:42

18 And even if it does, if they're saying 04:59:46

19 they're not sharing it, it's okay if they've got it 04:59:49

20 for the -- for the where I'm at, but they shouldn't 04:59:53

21 be telling anybody where I'm at, publicly or 04:59:56

22 partners. 04:59:59

23 Q. Who did Google share your information 05:00:03

24 with? 05:00:05

25 MR. LEE: Objection. Calls for 05:00:06

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1 speculation. Calls for expert opinion. 05:00:06

2 BY MR. MATEEN: 05:00:09

3 Q. You can answer. 05:00:10

4 A. That's what the investigation's about. 05:00:11

5 Q. When you're saying "investigation," what 05:00:41

6 are you referring to? 05:00:43

7 A. This court action. 05:00:44

8 Q. Are you testifying that this court action 05:00:49

9 is about Google sharing your information from Google 05:00:50

10 services with others? 05:00:56

11 A. I'm testi- -- I'm testifying that Google 05:00:58

12 gave me an option to control my information and they 05:01:00

13 did not do that. I can't protect my information. 05:01:03

14 I'm not in control. Google's recording it and doing 05:01:10

15 what they want with it. And that's what I asked 05:01:13

16 them not to do and they said they wouldn't. 05:01:15

17 Q. Did you sue Google because you believe 05:01:19

18 Google is sharing information Google has collected 05:01:21

19 with you with others? 05:01:24

20 A. Excuse me? 05:01:32

21 MR. LEE: Could you rephrase? 05:01:38

22 BY MR. MATEEN: 05:01:40

23 Q. Ms. Harvey, what didn't you understand 05:01:42

24 about the question? 05:01:43

25 MR. LEE: Just rephrase, please. 05:01:45

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1 BY MR. MATEEN: 05:01:49

2 Q. Ms. Harvey, what didn't you understand 05:01:49

3 about the question? 05:01:50

4 MR. LEE: Here's the problem, Mr. Mateen. 05:01:51

5 Because when you started this deposition, you laid 05:01:54

6 out your own ground rules. Your ground rules were, 05:01:56

7 "I may ask some bad questions. If I do, just tell 05:01:57

8 me that you don't understand, and I'll rephrase." 05:02:01

9 MR. MATEEN: Yeah. And, Mr. Lee -- 05:02:03

10 MR. LEE: Excuse me. Excuse me. And you 05:02:05

11 haven't done that. Instead when she doesn't 05:02:07

12 understand, you just flip it back on her and say, 05:02:10

13 "What -- what didn't you like about it? 05:02:12

14 She didn't understand your question. So 05:02:14

15 it's your -- 05:02:15

16 MR. MATEEN: She didn't tell me that she 05:02:16

17 didn't understand her -- my question. You told me. 05:02:17

18 So she can tell me she didn't understand, and I can 05:02:19

19 rephrase. 05:02:22

20 MR. LEE: She said, "Excuse me?" and sat 05:02:22

21 there in silence because she didn't understand your 05:02:24

22 question. 05:02:27

23 I asked -- so I asked you to rephrase. I 05:02:27

24 didn't -- I'm simply just telling you what -- she's 05:02:29

25 just looking at you confused, and she said, "Excuse 05:02:32

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1 me?" 05:02:34

2 BY MR. MATEEN: 05:02:35

3 Q. Ms. Harvey, when you said, "Excuse me?" 05:02:37

4 did you mean that you did not understand the 05:02:38

5 question? 05:02:40

6 A. Yes. 05:02:41

7 Q. Okay. Thank you. I can rephrase. My 05:02:41

8 apologies. 05:02:44

9 MR. LEE: Thank you. 05:02:45

10 BY MR. MATEEN: 05:02:46

11 Q. Now, Ms. Harvey, just one note. You've 05:03:05

12 said "Excuse me?" several times today. When you 05:03:08

13 said, "Excuse me?" earlier, was that also you saying 05:03:10

14 that you didn't understand what I was asking? 05:03:13

15 A. Yeah. Normally you say you're going to 05:03:15

16 rephrase it. 05:03:17

17 MR. LEE: Just because I'm concerned about 05:03:29

18 mischaracterization of the record, I'm going to make 05:03:30

19 my record. There are -- there's a distinction 05:03:33

20 between when she says "Excuse me?" and yet answers 05:03:35

21 the question between -- versus what happened here, 05:03:38

22 which is she just said, "Excuse me?" and had no way 05:03:41

23 of answering the question and just stared at you, 05:03:45

24 and there was a long silence. 05:03:47

25 So I don't think that that's happened many 05:03:51

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1 times today. I don't think it's happened at all. 05:03:53

2 And there have been time where she said "Excuse me?" 05:03:55

3 and there was some pause and you have rephrased. 05:03:58

4 And other times she's tried her best to answer and 05:04:00

5 has answered. 05:04:04

6 So I don't -- I don't think you can make 05:04:05

7 that blanket statement. I think the record will 05:04:06

8 bear that out. 05:04:09

9 BY MR. MATEEN: 05:04:33

10 Q. Ms. Harvey, you believe that Google has 05:04:34

11 collected information about you when you've had WAA 05:04:35

12 off, right? 05:04:38

13 A. Yes, I do. 05:04:39

14 Q. Do you believe that Google has shared that 05:04:45

15 information with other parties? 05:04:49

16 A. That's what we're trying to find out. 05:04:52

17 Q. To clarify, are you stating that this 05:04:59

18 lawsuit is about Google sharing information 05:05:02

19 collected when WAA is turned off with other parties? 05:05:05

20 A. Yes, that's -- that's my main thing. I 05:05:10

21 shut the thing off and information was collected. 05:05:12

22 It shouldn't have been collected in the first place. 05:05:15

23 Because it says I'm in control. With what they did, 05:05:17

24 I'm not in control. I don't know what's going on. 05:05:20

25 Q. Do you have any basis to claim that Google 05:05:26

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1 has shared information collected when WAA is turned 05:05:30
2 off with third parties? 05:05:34
3 A. Why should it be collected in the first 05:05:36
4 place? If it's collected, yeah, I want to know. 05:05:39
5 Why would they collect it if they weren't doing 05:05:43
6 something with it? 05:05:48
7 Q. Ms. Harvey, do you have any basis for 05:05:52
8 stating that the information has been shared with 05:05:54
9 third parties? 05:05:57
10 A. That's what I'm trying to find out. I 05:05:58
11 know it was collected, and it wasn't supposed to be 05:06:00
12 collected in the first place. 05:06:03
13 Q. Have you found out any basis thus so far? 05:06:08
14 A. That's not for me to speculate on. 05:06:11
15 MR. MATEEN: Okay. We're good on this 05:06:40
16 document. 05:06:42
17 THE WITNESS: I lost him. 05:06:50
18 Thank you. 05:06:56
19 MR. LEE: No problem. 05:06:56
20 BY MR. MATEEN: 05:06:57
21 Q. Ms. Harvey, can you list every type of 05:07:18
22 harm you've suffered from the actions you've alleged 05:07:20
23 in this lawsuit? 05:07:24
24 MR. LEE: Hold on. 05:07:25
25 Objection. Calls for a legal 05:07:26

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1 conclusion -- or to the extent it calls for a legal 05:07:26
2 conclusion. 05:07:29
3 Go ahead and answer as best you can. 05:07:30
4 THE WITNESS: Best I can, well, my 05:07:32
5 personal information has been collected. It's been 05:07:33
6 saved. It's been used. It's been many things. And 05:07:36
7 it was valuable. I -- I do not understand at all 05:07:39
8 why is there an option to shut it off so it can't be 05:07:43
9 done and then it happens anyway. To me, that's a 05:07:47
10 harm. It's very disturbing and very offensive. 05:07:49
11 BY MR. MATEEN: 05:07:53
12 Q. Why is it disturbing? 05:07:57
13 A. Why is it disturbing? Why am I being lied 05:07:59
14 to? Why am I told that my information's not going 05:08:02
15 to be saved and that it's not going to be used and 05:08:05
16 it's not -- nothing's going to happen with that 05:08:07
17 information because you're in control. I'm not in 05:08:10
18 control. Sort of makes you feel like you're 05:08:13
19 floating, and that's not right because I thought I 05:08:18
20 knew that I was safe and I'm not. 05:08:20
21 Q. Have you suffered any financial harm? 05:08:36
22 A. Yes. My data was valuable. 05:08:38
23 Q. Do you know how much financial harm you 05:08:58
24 suffered? 05:09:01
25 A. I can't state. Google knows. 05:09:02

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1 Q. How much is your data worth to you? 05:09:05

2 MR. LEE: Objection to form. Vague. 05:09:09

3 THE WITNESS: It's worth a lot. 05:09:13

4 BY MR. MATEEN: 05:09:15

5 Q. Is it worth a thousand dollars? 05:09:20

6 A. I'm not going to comment on that. It's 05:09:21

7 worth a lot. 05:09:24

8 Q. What is "a lot" to you? 05:09:25

9 A. I'm not going to say. I can't say. It's 05:09:27

10 unlimited. There is no price I can put on it 05:09:30

11 because I can't get it back once it's out there. 05:09:34

12 And if I think it's not out there because I'm told 05:09:36

13 it's not going to be, that's not right. Ask Google 05:09:39

14 how much it's worth. 05:09:44

15 Q. Have you ever tried to sell your data to 05:09:46

16 anyone else? 05:09:48

17 A. No. I already -- you asked me that. You 05:09:49

18 asked me that when we first started. I might be 05:09:52

19 wrong, but I thought you asked me that. 05:09:55

20 Q. If Google had not engaged in the alleged 05:10:00

21 conduct, would you be any wealthier? 05:10:03

22 A. Doesn't matter. Doesn't matter. Because 05:10:07

23 I'd have a peace of mind. That data was important 05:10:10

24 to me or I would have told them, "Yeah, take it. 05:10:14

25 Sure. It's fine." No, I said, "No." "No" means 05:10:18

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1 no. 05:10:21

2 Q. Do you not have peace of mind? 05:10:27

3 A. For knowing where it went? No. That's 05:10:30

4 not right. They made me a promise, and they broke 05:10:32

5 that promise. It should have never even been 05:10:36

6 touched. They should have turned their heads the 05:10:40

7 other way. And if somebody else sent it to them, 05:10:42

8 they should have rejected it because they already 05:10:45

9 had an agreement with me. Don't make the agreement 05:10:47

10 if you're not going to keep it. 05:10:52

11 Q. Has this lack of peace of mind affected 05:10:55

12 your life in any way? 05:10:57

13 A. Yeah, it has. It has. Because that 05:11:05

14 information's out there and I didn't want it there. 05:11:09

15 Q. Can you describe how it's affected your 05:11:13

16 life? 05:11:15

17 A. Well, makes you sort of untrusting when 05:11:19

18 somebody tells you they're gonna do something and 05:11:19

19 you trust them and they do the exact opposite, 05:11:21

20 doesn't it? 05:11:24

21 Q. Earlier today you testified that you felt 05:11:45

22 physically sick after finding out about the 05:11:48

23 unauthorized transactions way back in 2014, right? 05:11:52

24 A. Yes, but that's been resolved. 05:11:57

25 Q. Have you felt a similar sickness after 05:11:59

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1 finding out what you've alleged in this lawsuit? 05:12:03

2 A. It's sort of a little bit worse because 05:12:08

3 Google lied to me, and I trusted they were going to 05:12:10

4 do what they told me they were going to do, and they 05:12:14

5 did not. 05:12:18

6 Q. Can you tell me how you felt physically 05:12:20

7 sick after Google lied to you? 05:12:22

8 MR. LEE: I'm sorry. Can you repeat that? 05:12:27

9 MR. MATEEN: Yes. 05:12:29

10 BY MR. MATEEN: 05:12:29

11 Q. Can you tell me how you have felt 05:12:30

12 physically sick after Google lied to you? 05:12:32

13 MR. LEE: Objection. Form. 05:12:36

14 THE WITNESS: What do you mean? I -- I 05:12:40

15 don't even understand that. 05:12:41

16 BY MR. MATEEN: 05:12:42

17 Q. I can rephrase. 05:12:43

18 Have you had any symptoms -- 05:12:44

19 A. Symptoms -- 05:12:45

20 Q. -- as a result of Google's lying? 05:12:45

21 A. It make you question everybody. Because 05:12:47

22 I've got a contract sitting right here that says 05:12:50

23 it's not going to be done and it was done. So how 05:12:53

24 do I trust another business if they tell me, "We're 05:12:56

25 not going to do it," and they do it behind my back, 05:12:59

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1 which is what Google did. Sort of makes you not 05:13:01
2 trust anybody. And that's not right. 05:13:10

3 Q. So, Ms. Harvey, just a little bit ago, I 05:13:25
4 mentioned that you said that you felt physically 05:13:28
5 sick after finding out about the unauthorized 05:13:31
6 transactions in 2014, and you mentioned that you 05:13:34
7 maybe feel even more so now. And I'm just trying to 05:13:37
8 get an idea of that physical sickness and any 05:13:43
9 symptoms you might have had. 05:13:47

10 So have you had any physical symptoms as a 05:13:49
11 result of Google's lies? 05:13:52

12 A. Physical? No. It makes me sick thinking 05:13:54
13 that somebody lied to me and took my information and 05:13:58
14 used it for their own personal gain and never told 05:14:03
15 me. 05:14:06

16 Why even have the button? Does it mean 05:14:07
17 it's off? Does it mean it's on? It says you can 05:14:10
18 protect yourself and you're in control. I'm not in 05:14:14
19 control. 05:14:17

20 It's being taken anyway, then, why would 05:14:18
21 you even have a button that doesn't work? 05:14:21

22 Q. Ms. Harvey, do you mean figuratively sick 05:14:27
23 or actually sick? 05:14:31

24 A. In '13, I literally threw up. Now I feel 05:14:32
25 nauseous. Makes me sick to think that I've been 05:14:37

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1	lied to all these years.	05:14:40
2	Q. And, Ms. Harvey, I'm not trying to ask the	05:14:45
3	same question again. I'm not trying to argue here.	05:14:47
4	But when you say you feel nauseous, do you	05:14:49
5	mean you feel physically nauseous or figuratively	05:14:51
6	nauseous?	05:14:55
7	A. Physically. It makes me sick.	05:14:56
8	Q. Have you sought medical help to address	05:15:11
9	this?	05:15:13
10	A. I've talked to behavioral health, and	05:15:15
11	they've helped me through a lot of it but not about	05:15:17
12	my personal information being floating around. So I	05:15:22
13	don't know when that shoe's going to drop.	05:15:27
14	MR. LEE: I want -- I understand that	05:15:29
15	there's sensitivity around, you know, these types of	05:15:30
16	health-related questions. Mr. Mateen means no	05:15:33
17	disrespect. He's -- he's asking about specific to	05:15:37
18	the claims made in this case.	05:15:39
19	THE WITNESS: No.	05:15:42
20	MR. LEE: Has that required you to seek	05:15:42
21	any medical treatment?	05:15:44
22	So just try to keep it -- you know, he's	05:15:45
23	not trying to embarrass you or anything. Just try	05:15:46
24	to answer that specific question.	05:15:50
25	THE WITNESS: No. Since this happened,	05:15:51

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1 no, I haven't. It just makes it worse. 05:15:53

2 BY MR. MATEEN: 05:16:06

3 Q. Ms. Harvey, are you claiming a medical 05:16:55

4 injury in this lawsuit? 05:16:57

5 A. No. I -- I stated that was from before. 05:16:58

6 But this made it -- this has added on to it because 05:17:01

7 I didn't realize I'd been lied to the whole time. 05:17:05

8 Q. Since finding out about the actions 05:17:44

9 alleged in this lawsuit, have you changed any of 05:17:47

10 your actions? 05:17:50

11 MR. LEE: Vague. 05:17:55

12 THE WITNESS: Which actions would that be? 05:17:57

13 I don't understand. 05:17:59

14 BY MR. MATEEN: 05:18:02

15 Q. I can reask it. 05:18:02

16 After you found out about the actions that 05:18:16

17 you allege in this lawsuit, did you delete any apps? 05:18:18

18 A. I'm sure there's been apps that have went 05:18:23

19 off my phone because I switched phones. But I -- I 05:18:26

20 don't know. Maybe if I didn't use something 05:18:29

21 anymore, I would take it off. But I -- I was sort 05:18:31

22 of curious what -- what was going to be find out. 05:18:38

23 That's why I seeked attorneys. 05:18:41

24 Q. Did you investigate which apps use 05:18:49

25 Google Analytics for Firebase? 05:18:52

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1	A.	That's not for me to do.	05:18:54
2	Q.	Who's that for?	05:19:02
3	A.	That's for the attorneys and experts, not	05:19:03
4		me.	05:19:05
5		I don't know what Google's practice is. I	05:19:11
6		don't know who they talk to. I don't know which	05:19:12
7		ones they use. Why should I know that information?	05:19:13
8		I'm not trying to get their information. My	05:19:15
9		information is one that was given out.	05:19:17
10	Q.	Sitting here today, do you know if any app	05:19:23
11		you've ever used uses Google Analytics for Firebase?	05:19:27
12	A.	I'm sure quite a bit of them do.	05:19:32
13	Q.	If you knew which apps use	05:19:34
14		Google Analytics for Firebase, would you delete	05:19:36
15		them?	05:19:39
16	A.	Why don't we cut this short? Why doesn't	05:19:39
17		Google just fix the button? Then I wouldn't have to	05:19:42
18		delete those apps because I enjoy playing them.	05:19:44
19		Then there wouldn't be a problem, right? Because	05:19:48
20		they said they wouldn't do it in the first place, so	05:19:50
21		there shouldn't be a problem here.	05:19:53
22	Q.	If, as you say Google, does not fix the	05:19:54
23		button, would you delete those apps?	05:19:57
24	A.	I can't see a world that would happen in.	05:19:58
25	Q.	You can't see a world where what would	05:20:02

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1	happen in?	05:20:05
2	A. Google would keep taking the information	05:20:06
3	and not fix it. That's illegal. You can't take	05:20:08
4	information and tell somebody that you're not going	05:20:12
5	to.	05:20:14
6	I don't want anybody knowing what I do on	05:20:21
7	my phone.	05:20:23
8	Q. Imagine that the court in this case rules	05:20:33
9	that Google doesn't have to change its behavior, it	05:20:35
10	can keep doing what it's doing.	05:20:41
11	Would you then delete those apps?	05:20:44
12	A. I can't see the court ruling that. I	05:20:47
13	don't see that happening. Because they made a	05:20:49
14	statement that they weren't going to do it and I	05:20:54
15	would be in control, and it's a lie.	05:20:56
16	Q. Would you ever delete those apps?	05:21:06
17	MR. LEE: Objection. Vague.	05:21:09
18	THE WITNESS: If I didn't want to use	05:21:11
19	them.	05:21:13
20	BY MR. MATEEN:	05:21:16
21	Q. You wouldn't want to use them?	05:21:17
22	A. If I did not want to use them, I might	05:21:19
23	delete them.	05:21:21
24	But the real thing that needs to be fixed	05:21:22
25	is Google's promises. Don't make a promise if you	05:21:24

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1 can't keep that promise. You can't figure out how 05:21:27
2 to do it, that's not my fault. They shouldn't have 05:21:30
3 made a promise in the first place. 05:21:34

4 Q. So I understand that you believe that a 05:21:35
5 court would not do this. But just imagine for the 05:21:39
6 possibility that you were wrong about what is and 05:21:44
7 isn't illegal and the court rules that from Google 05:21:47
8 doesn't have to change it's behavior. 05:21:52

9 Would you then delete those apps? 05:21:54

10 A. I can't believe that would ever happen. 05:21:57

11 Q. Ms. Harvey, I understand that you cannot 05:22:00
12 believe that it will happen, but imagine that it 05:22:01
13 does. 05:22:05

14 A. I -- I can't imagine that. Why -- why 05:22:06
15 would that happen? You can't make a promise, break 05:22:09
16 that promise, make money off people's data when they 05:22:12
17 said that they weren't going to do that, and -- and 05:22:17
18 it be okay. It's not okay. 05:22:19

19 Q. Ms. Harvey, for example, your last case 05:22:23
20 was dismissed on statute of limitations grounds. 05:22:25
21 Let's say that this case gets dismissed on statute 05:22:28
22 of limitations grounds. 05:22:32

23 In that case, would you delete these apps 05:22:34
24 off your phone? 05:22:38

25 A. It's not going to get dismissed for 05:22:40

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1 statute of limitations. So I don't even have to 05:22:42
2 consider that, correct? 05:22:45
3 Q. Would you ever delete your Google account? 05:22:48
4 MR. LEE: Objection. Vague. 05:22:52
5 THE WITNESS: What other option do I have 05:22:55
6 on an Android device so I can use the Play Store? 05:22:57
7 MR. LEE: Can I get a time check? 05:23:11
8 THE VIDEO OPERATOR: 6:23. 05:23:19
9 MR. LEE: I'm sorry? 05:23:20
10 THE WITNESS: Six hours, 23 minutes. 05:23:22
11 MR. LEE: Thank you. 05:23:29
12 BY MR. MATEEN: 05:23:29
13 Q. Ms. Harvey, since filing this case, have 05:23:30
14 you used any apps differently than you did before? 05:23:33
15 A. No. I'm trying to find out what's going 05:23:38
16 on. It's being investigated right now. They're 05:23:40
17 checking everything out. So if I stopped using 05:23:46
18 those things, then nothing would be found out, would 05:23:49
19 it? 05:23:52
20 Q. Have you interacted with anyone in your 05:23:53
21 life any differently than before you filed your 05:23:55
22 lawsuit? 05:23:57
23 MR. LEE: Objection. Vague. 05:23:58
24 THE WITNESS: With who? I don't 05:24:02
25 understand. 05:24:04

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1 BY MR. MATEEN: 05:24:05

2 Q. Have you communicated with anybody you 05:24:11

3 know differently? 05:24:15

4 MR. LEE: Objection. Vague. 05:24:17

5 BY MR. MATEEN: 05:24:18

6 Q. Have you communicated with anybody you 05:24:23

7 know differently since filing your lawsuit? 05:24:24

8 MR. LEE: Objection. Vague. 05:24:27

9 BY MR. MATEEN: 05:24:27

10 Q. Ms. Harvey, you can answer to the extent 05:24:36

11 that you are able to. 05:24:37

12 A. Who? 05:24:39

13 Q. Any person. 05:24:41

14 A. People that I know? 05:24:42

15 Q. Yes. 05:24:43

16 A. Why would I do that? They didn't do it. 05:24:44

17 They didn't make me a promise and break it. 05:24:48

18 Q. Have you taken any steps to protect 05:24:55

19 yourself from the alleged misconduct from Google? 05:24:57

20 A. I seeked a lawyer's advice. My 05:25:01

21 Web & App Activity is off. I was thinking the 05:25:06

22 information wasn't being collected and it was. 05:25:07

23 So, yes, I seeked a lawyer's advice. 05:25:10

24 Q. Since -- 05:25:13

25 THE VIDEO OPERATOR: Excuse me. This is 05:25:16

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1 the videographer. I made a mistake. It's 6:13. 05:25:16

2 Sorry. 05:25:18

3 MR. MATEEN: Thank you. 05:25:21

4 MR. LEE: We're going backwards in time? 05:25:22

5 Jesus. 05:25:24

6 BY MR. MATEEN: 05:25:26

7 Q. Since filing this suit, other than talking 05:25:29

8 to your lawyer, have you taken any steps to protect 05:25:32

9 your privacy against Google's alleged misconduct? 05:25:35

10 A. Well, they weren't supposed to be doing it 05:25:39

11 in the first place, so what could I take? What 05:25:40

12 steps could I take? 05:25:43

13 Q. Have you tried to take any steps? 05:25:46

14 A. What steps would those be? I still have 05:25:47

15 my Samsung phone. It's still Android. Google's 05:25:50

16 still doing it. And they said they wouldn't but 05:25:55

17 they are. 05:25:57

18 Web & App Activity has two options: On or 05:25:58

19 off. Mine was off, period. I did not turn that on. 05:26:02

20 So I'm a little bit confused by that. 05:26:05

21 But I seeked an attorney's advice and 05:26:08

22 we're here now. So I think I have taken steps. I 05:26:12

23 want it to stop. I want the button fixed. And I 05:26:16

24 don't want them to have my information. 05:26:20

25 Q. Have you made the -- have you made any 05:26:24

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1 attempts to learn a different operating system? 05:26:25

2 A. I've explained that extensively why I have 05:26:30

3 to use Android with my father having dementia. 05:26:33

4 Q. Have you made any attempts to sign out of 05:26:42

5 any of your Google accounts on your Android device? 05:26:44

6 A. Now, why would I do that? Google's not 05:26:49

7 taking information, right? So why would I have to 05:26:51

8 sign out? 05:26:53

9 Q. You've alleged misconduct on the part of 05:27:01

10 Google and specifically that Google is taking 05:27:04

11 information. 05:27:07

12 And so I'm asking: After you filed your 05:27:08

13 complaint, have you taken any efforts to log out of 05:27:12

14 your Google accounts on your Android device? 05:27:18

15 A. Why would I log out? Is that so there's 05:27:21

16 no records of anything? It's already been done. 05:27:25

17 Q. Do you use your Samsung phone more or less 05:27:37

18 than when you filed this case? 05:27:42

19 MR. LEE: Mr. Mateen, she's -- she's 05:27:44

20 answered this question like six or seven times now. 05:27:44

21 MR. MATEEN: Not this specific one. 05:27:47

22 BY MR. MATEEN: 05:27:49

23 Q. Ms. Harvey, you can answer. 05:27:49

24 A. So that you understand, I love my phone. 05:27:50

25 I don't love Google's business practices and their 05:27:52

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1 promises that they don't stand by. 05:27:56

2 Why wouldn't I use my phone that I 05:28:02

3 absolutely love? Why doesn't Google just stop doing 05:28:04

4 what they say they're not going to do? 05:28:08

5 BY MR. MATEEN: 05:28:11

6 Q. Have you tried to tell your dad to use his 05:28:12

7 phone differently or -- 05:28:17

8 A. I've turned my dad's information off. 05:28:20

9 It's set the exact same way. 05:28:22

10 And to tell you the truth, do you know 05:28:25

11 what dementia is? 05:28:28

12 My dad's used that Samsung Galaxy 9. 05:28:34

13 That's why we got the same phone, so he wouldn't 05:28:38

14 have to relearn everything. It's impossible. 05:28:42

15 Q. Did you log your dad out of a Google 05:28:48

16 account on his Android phone? 05:28:51

17 A. No. I turned Web & App Activity off. 05:28:53

18 Q. Have you warned anyone in your life of 05:29:00

19 Google's privacy violations after filing this suit? 05:29:06

20 A. Not necessarily like you're stating. But 05:29:11

21 if somebody I know has Web & App Activity off, I let 05:29:14

22 them know, "Hey, I don't think that button works." 05:29:19

23 Q. Are you testifying that the harm you 05:29:27

24 allege is ongoing? 05:29:29

25 A. My information's still being taken. It's 05:29:31

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1 still being saved. It's still being pulled 05:29:35
2 together. And there's still advertisements coming 05:29:38
3 out there. And it's still being gotten rid of, so 05:29:42
4 I'm thinking it's still being done. 05:29:46
5 Q. Are you currently suffering a privacy 05:29:49
6 violation? 05:29:52
7 MR. LEE: Objection to the form to the 05:29:53
8 extent it calls for a legal conclusion. 05:29:55
9 Answer if you can understand his question. 05:29:56
10 THE WITNESS: Does the button work or 05:30:00
11 doesn't it? If it doesn't work, that's a privacy 05:30:01
12 violation. 05:30:04
13 Why can't Google just say what they -- do 05:30:12
14 what they say they're going to do? 05:30:14
15 MR. MATEEN: Ms. Harvey, thank you for 05:30:23
16 your time. That's all we have for you today. 05:30:24
17 THE WITNESS: Okay. 05:30:27
18 MR. MATEEN: I know it's about been a long 05:30:28
19 day, so I appreciate you bearing with us all. 05:30:29
20 MR. LEE: Let me get five minutes just to 05:30:33
21 consult with my team. I may not have any questions, 05:30:35
22 but I just want to check. Okay? 05:30:39
23 MR. MATEEN: No problem. 05:30:41
24 THE VIDEO OPERATOR: Going off the record. 05:30:42
25 The time is 5:30 p.m. 05:30:42

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1 (Off the record at 5:30 p.m. and back on 05:30:44
2 the record at 5:41 p.m.) 05:41:06
3 THE VIDEO OPERATOR: Back on the record. 05:41:07
4 The time is 5:41 p.m. 05:41:07
5 --o0o-- 05:41:08
6 EXAMINATION
7 BY MR. LEE: 05:41:11
8 Q. Good evening, Ms. Harvey. My name is 05:41:12
9 James Lee. Hello. 05:41:14
10 A. Hi. 05:41:15
11 Q. I only have a couple questions for you. 05:41:17
12 Now you were asked some questions by 05:41:19
13 Google's attorney about some fraudulent charges that 05:41:22
14 were placed on your account back in 2013. 05:41:25
15 Do you remember those questions? 05:41:29
16 A. Yes, I do. 05:41:30
17 Q. Is it fair to say that it was frustrating 05:41:32
18 having that happen to you? 05:41:34
19 A. Yes, it was. 05:41:35
20 Q. Have you since been reimbursed by Google 05:41:36
21 and your bank for those charges? 05:41:38
22 A. Yes, I have. 05:41:40
23 Q. And have you since put those fraudulent 05:41:41
24 charges behind you? 05:41:44
25 A. Yes, I have. 05:41:45

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1 Q. Does what happened to you in 2013 have 05:41:46
2 anything to do with your involvement in this case? 05:41:48
3 A. No. That's been resolved. 05:41:51
4 Q. How long have you been a -- strike that. 05:41:53
5 How long have you lived in California? 05:41:56
6 A. My entire life. 05:41:58
7 Q. And when you turned WAA off, did you turn 05:41:59
8 it off while you were in California? 05:42:02
9 A. Yes, I did. 05:42:04
10 Q. When you browsed the Web and apps with WAA 05:42:04
11 off, was that in California? 05:42:09
12 A. Yes, that was. 05:42:10
13 Q. Now, you were asked about whether this 05:42:12
14 case is about whether Google shares information with 05:42:15
15 others. 05:42:18
16 Do you remember those questions? 05:42:19
17 A. Yes, I do. 05:42:20
18 Q. Is this case also about how Google took 05:42:21
19 your web and app data without your consent? 05:42:24
20 A. Yes. 05:42:27
21 Q. Is it also about how Google uses this 05:42:28
22 information? 05:42:30
23 MR. MATEEN: Objection. Leading. 05:42:31
24 THE WITNESS: Yes. 05:42:33
25 ///

1 BY MR. LEE: 05:42:34

2 Q. Slow down. Let him have a moment. 05:42:35

3 A. Okay. 05:42:38

4 Q. Do you know all the ways that Google does 05:42:39

5 that? 05:42:41

6 A. No. 05:42:42

7 Q. And is that what we're here to find out? 05:42:42

8 MR. MATEEN: Objection. Foundation. 05:42:42

9 BY MR. LEE: 05:42:43

10 Q. You can answer. 05:42:43

11 A. Yes, that's what I'd like to know. 05:42:46

12 MR. LEE: Okay. I have no further 05:42:50

13 questions. 05:42:55

14 THE VIDEO OPERATOR: Anyone else? 05:42:56

15 MR. MATEEN: No further questions here. 05:42:58

16 THE VIDEO OPERATOR: This concludes 05:43:00

17 today's video-recorded deposition of Susan Harvey. 05:43:00

18 We're off the record at 5:43 p.m. The number of 05:43:02

19 media used was eight and will be retained by 05:43:05

20 Veritext. 05:43:09

21 MR. LEE: We're going to want to read.

22 THE COURT REPORTER: Would you like a

23 rough, Mr. Lee?

24 MR. LEE: Always.

25 THE COURT REPORTER: Harris, did you also

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1 want a rough?

2 MR. MATEEN: Yes, please.

3 (TIME NOTED: 5:43 p.m.)

4 * * * * *

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I, SUSAN HARVEY, do hereby declare
under penalty of perjury that I have read the
foregoing transcript; that I have made any
corrections as appear noted, in ink, initialed by
me, or attached hereto; that my testimony as
contained herein, as corrected, is true and correct.

EXECUTED this _____ day of _____,
2022, at _____, _____.
(City) (State)

SUSAN HARVEY
VOLUME I

CERTIFICATE OF REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

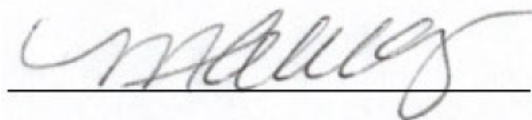
That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; and that the foregoing is an accurate transcription thereof.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [X] was [] was not requested.

I further certify that I am neither financially interested in the action, nor a relative or employee of any attorney of any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

DATED: November 11, 2022



MEGAN F. ALVAREZ

CSR No. 12470, RPR

1 JAMES LEE, ESQ.

2 jlee@bsfllp.com

3 November 11, 2022

4 RE: ANIBAL RODRIGUEZ VS. GOOGLE LLC

5 OCTOBER 27, 2022, SUSAN HARVEY, JOB NO. 5516967

6 The above-referenced transcript has been

7 completed by Veritext Legal Solutions and

8 review of the transcript is being handled as follows:

9 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext
10 to schedule a time to review the original transcript at
11 a Veritext office.

12 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF
13 Transcript - The witness should review the transcript and
14 make any necessary corrections on the errata pages included
15 below, notating the page and line number of the corrections.
16 The witness should then sign and date the errata and penalty
17 of perjury pages and return the completed pages to all
18 appearing counsel within the period of time determined at
19 the deposition or provided by the Code of Civil Procedure.

20 ___ Waiving the CA Code of Civil Procedure per Stipulation of
21 Counsel - Original transcript to be released for signature
22 as determined at the deposition.

23 ___ Signature Waived - Reading & Signature was waived at the
24 time of the deposition.

25

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1 _X_Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.

9 ___ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

1 RE: ANIBAL RODRIGUEZ VS. GOOGLE LLC
2 SUSAN HARVEY, JOB NO. 5516967
3 E R R A T A S H E E T
4 PAGE_____ LINE_____ CHANGE_____
5 _____
6 REASON_____
7 PAGE_____ LINE_____ CHANGE_____
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19 PAGE_____ LINE_____ CHANGE_____
20 _____
21 REASON_____
22 _____
23 _____
24 WITNESS Date
25

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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